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# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 1

## ARBITRATIONS AND DIPLOMATIC SETTLEMENTS OF THE UNITED STATES

MAY 25 1918

PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1914





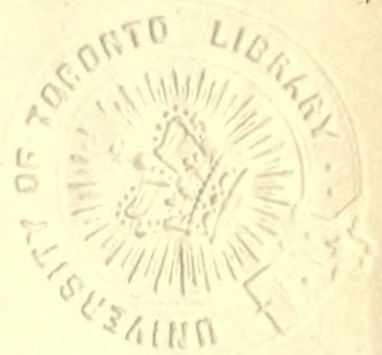


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### Introductory Note

From time to time the Carnegie Endowment for International Peace has been requested to furnish information concerning arbitrations to which the United States has been a party, and the frequency of these requests leads to the conclusion that a statement of the arbitrations with a minimum of details and appropriate references would not only be of general interest, but would advance the cause of arbitration by showing how frequently and successfully it has been resorted to.

The pamphlet has therefore been prepared for the purpose of giving in brief and summary form the arbitrations to which the United States has been a party. It has been thought advisable to include diplomatic settlements which are in the nature of arbitral adjustments. References are given under each case to various publications which the student or reader may consult for more detailed information. A summary showing the pecuniary awards rendered is given at the close of the pamphlet.

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
*April 1, 1914.*



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## CONTENTS

	Page
<b>BRAZIL</b>	
American Schooner "John S. Bryan" .....	1
Brazilian Indemnity .....	1
Whaleship "Canada" .....	1
<b>CHILE</b>	
Schooner "Macedonia" .....	1
Whaleship "Good Return" .....	1
Mutual Claims .....	2
Alsop Claim .....	2
<b>CHINA</b>	
Chinese Indemnity .....	2
Ashmore Fishery Claim .....	2
Boxer Indemnity of 1901 .....	2
<b>COLOMBIA</b>	
"Panama Riot" Claims .....	3
Steamer "Montijo" .....	3
<b>COSTA RICA</b>	
Pecuniary Claims .....	3
<b>DENMARK</b>	
Mutual Claims .....	4
Carlos Butterfield & Company.....	4
<b>DOMINICAN REPUBLIC</b>	
Ozama Bridge Case .....	4
J. Sala & Company .....	4
San Domingo Improvement Company.....	4
<b>ECUADOR</b>	
Pecuniary Claims .....	5
Santos Claim .....	5
<b>FRANCE</b>	
French Indemnity of 1831 .....	5
Mutual Claims .....	5
<b>GERMANY</b>	
Military Operations in Samoa.....	5
<b>GREAT BRITAIN</b>	
St. Croix River Boundary .....	6
Recovery of Debts .....	6



	Page
<b>GREAT BRITAIN—continued</b>	
Maritime Seizures and the Rights and Duties of Neutrals.....	6
Passamaquoddy Bay .....	6
Northern Boundary .....	7
Northeastern Boundary .....	7
Obligation as to Slaves .....	7
Mutual Claims Which Had Arisen Since the Treaty of Ghent.....	8
Hudson's Bay and Puget's Sound Agricultural Companies.....	8
"Alabama" Claims .....	8
Civil War Claims .....	8
Coast Fishery Rights .....	9
San Juan Water Boundary .....	9
Bering Sea Seal Fisheries.....	9
Bering Sea Claims .....	9
Alaskan Boundary .....	10
North Atlantic Coast Fisheries.....	10
Pecuniary Claims .....	10
<b>GUATEMALA</b>	
Mutual Claims .....	10
<b>HAITI</b>	
Personal Claims .....	10
Personal Claims .....	11
Arbitrary Arrest and Imprisonment.....	11
Illegal Seizure and Sale of Property.....	11
<b>MEXICO</b>	
Personal Indemnities .....	11
Mutual Claims .....	12
Personal Injuries .....	12
Pious Fund of the Californias.....	12
Chamizal Tract .....	12
<b>NEW GRANADA</b>	
(See Colombia.)	
<b>NICARAGUA</b>	
Illegal Seizures of "Buena Ventura" and "Alerta".....	13
<b>PARAGUAY</b>	
United States and Paraguay Navigation Company.....	13
<b>PERU</b>	
Indemnity for Destruction of Property.....	13
Maritime Captures .....	13
Mutual Claims .....	13
Mutual Claims .....	14
Personal Injuries .....	14
<b>PORTUGAL</b>	
Violation of Neutrality .....	14
Delagoa Bay Railway Concession.....	14
<b>RUSSIA</b>	
Seizure of Ships .....	15



	Page
<b>SALVADOR</b>	
Confiscation of Gunpowder.....	15
Salvador Commercial Company .....	15
<b>SIAM</b>	
Military Assault on Vice-Consul.....	15
Personal Injuries .....	15
<b>SPAIN</b>	
Maritime Captures .....	16
East and West Florida Claims.....	16
Claims of American Citizens under Treaty of 1819.....	16
Claims Settlement of 1834.....	16
"Colonel Lloyd Aspinwall" .....	16
Cuban Insurrection of 1868 .....	17
Steamer "Virginus" .....	17
Bark "Masonic" .....	17
<b>TWO SICILIES</b>	
Neapolitan Indemnity .....	17
<b>VENEZUELA</b>	
Claims Settlement of 1852.....	18
Aves Island Case, 1859 .....	18
Pecuniary Claims .....	18
Seizure of Ships .....	18
Pecuniary Claims .....	18
Preferential Treatment of Blockading Powers.....	19
Orinoco Steamship Company .....	19
United States and Venezuela Company.....	19
The Orinoco Corporation .....	19
<b>SUMMARY</b> .....	20







ARBITRATIONS AND DIPLOMATIC SETTLEMENTS  
OF THE  
UNITED STATES

Brazil

*American Schooner "John S. Bryan."*

Seized in the Province of Para, Brazil, in June, 1836. Commissioners appointed October 15, 1842, to determine amount of loss and damage suffered. Awarded the United States 26 contos of reis (\$29,120). *Diplomatic Settlement.*

Moore, V, 4613; Darby, 779.

*Brazilian Indemnity.*

Long outstanding pecuniary claims were settled, under convention of June 27, 1849, by the appropriation by Brazil of 530,000 milreis (\$595,600). *Diplomatic Settlement.*

Moore, V, 4609; Malloy, 144; Darby, 896.

*Whaleship "Canada."*

Indemnity for loss of ship and cargo through interference of Brazilian officials in 1856. Settled by arbitration under protocol of March 14, 1870. Awarded United States \$100,740.04. *Arbitrator:* Great Britain.

Moore, II, 1733; V, 4687.

Chile

*Schooner "Macedonia."*

Loss of silver bullion taken from ship by Chilean admiral in 1821. Settled by arbitration under convention of November 10, 1858. Awarded United States \$42,400. *Arbitrator:* Belgium.

Moore, II, 1449; V, 4689; Malloy, 183; La Fontaine, 35; Darby, 785; Brit. and For. St. Paps., vol. 49, p. 492.

*Whaleship "Good Return."*

Detention by Chilean authorities in 1832. Settled by payment of \$20,000 to the United States in 1874. *Diplomatic Settlement.*

Moore, II, 1466; Darby, 799; La Fontaine, 221.



### *Mutual Claims.*

Arose out of Chilean wars of 1879–82 and 1890–91. Settled in 1894, by arbitration by a mixed commission under convention signed August 7, 1892. Awarded the United States \$240,564.37. No award to Chile. The commission under the convention having failed, through limitation, to conclude its task, leaving certain claims duly presented to it unadjudicated, a new convention was signed May 24, 1897, to renew the convention of August 7, 1892. The claims commission appointed under the convention of 1897 awarded \$28,062 gold, in favor of the United States and \$3,000 gold in favor of Chile. *Commissioners* (both commissions): 1 United States, 1 Chile. *Umpire*: Switzerland.

Moore, II, 1469; III, 2231; IV, 3255; V, 4691; Malloy, 185, 190; Darby, 820; For. Rels. U. S. (1888), I, 180; Martens, 2d Series, XXII, 339; Brit. and For. St. Paps., vol. 84, p. 600; La Fontaine, 474.

### *Alsop Claim.*

Breach of contract between Bolivia and Alsop Company doing business in what is now Chilean territory, but at that time Bolivian Territory. Settled by arbitration in 1911, under agreement signed December 1, 1909. Awarded United States \$906,666.78. *Amiable Compositeur*: Great Britain.

*Alsop Claim*; MS., Dep't of State; Am. J. Int. Law, V, 1079.

## China

### *Chinese Indemnity.*

Destruction of property of American citizens in 1856. Settled under convention of November 8, 1858, China allotting the sum of \$735,238.97. Award in favor of the United States only \$489,187.95, but the Chinese Government refused to accept the surplus, which subsequently was used in payment of other established claims against the Chinese Government. *Diplomatic Settlements*.

Moore, V, 4627; Malloy, 232; Darby, 897; For. Rels. U. S. (1885), 183.

### *Ashmore Fishery Claim.*

Dispossession of American citizen of a fishery in Chinese territory. Settled by arbitration May 24, 1884. Awarded United States, \$4,600. *Arbitrators*: 1 Great Britain, 1 Netherlands.

Moore, II, 1857; Darby, 805; La Fontaine, 601.

### *Boxer Indemnity of 1901.*

Indemnity for losses and damages suffered by American citizens and for expenses of military and naval operations of the United



States arising out of the insurrection of 1900. Under the provisions of the protocol between China and the allied Powers, of September 7, 1901, and its annexes, the former Government obligated itself to pay to the signatory governments certain indemnities,—that of the United States being placed at \$24,000,000, gold. Since the signing of that protocol the United States has reduced its indemnity to \$11,000,000, and remitted to the Chinese Government the \$13,000,000 remaining of the original indemnity demanded. *Diplomatic Settlement.*

Malloy, 2006; MS., Dep't of State; For. Rel. U. S. (1901), App.; 35 Stat. L., 577.

## Colombia

### *"Panama Riot" Claims.*

Arising out of violation of rights acquired by the United States on the Isthmus of Panama under the Treaty of 1846 with New Granada, and for damages arising out of a riot at Panama on April 15, 1856. Settled by mixed commission under convention of September 10, 1857. Awarded United States \$496,235.47. Remaining unadjudicated claims continued for later adjudication. These latter settled in 1865-66 by a mixed commission under the convention dated February 10, 1864. Awarded the United States \$88,367.19. *Commissioners* (first commission): 1 Mexico, 1 United States. *Umpire*: United States; (second commission): 1 United States, 1 Colombia. *Umpire*: Great Britain.

Moore, II, 1361, 1396; V, 4694; Darby, 783, 789; Brit. and For. St. Paps., vol. 47, p. 353; vol. 54, p. 1132; La Fontaine, 33, 620; Malloy, 319, 321.

### *Steamer "Montijo."*

Indemnity for capture and use by insurgents in April, 1871. Settled in 1875 by a mixed commission under agreement of August 17, 1874. Awarded the United States \$33,401. *Commissioners*: 1 United States, 1 Colombia. *Umpire*: Great Britain.

Moore, II, 1421; V, 4698; For. Rels. U. S. (1875-76), 427; Darby, 799; Brit. and For. St. Paps., vol. 65, p. 619; La Fontaine, 209.

## Costa Rica

### *Pecuniary Claims.*

Claims of American citizens for personal injuries and damages to property due to acts of Costa Rican authorities. Settled in 1862, by arbitration by a mixed commission under the convention signed July 2, 1860. Awarded the United States \$25,704.14. *Commissioners*: 1 United States, 1 Costa Rica. *Umpire*: Italy.

Malloy, 346; Moore, II, 1551; V, 4701; Darby, 786; Brit. and For. St. Paps., vol. 50, p. 498; La Fontaine, 38.



## Denmark

### *Mutual Claims.*

Arose out of detention and confiscation of merchant vessels and goods during the Napoleonic wars. Settled in 1833, under the convention of March 28, 1830, by a domestic commission composed of American citizens, Denmark having previously renounced her own claims and agreed to pay a total of \$650,000 to American claimants. *Diplomatic Settlement.*

Darby, 894; Moore, V, 4549; Malloy, 377; Martens, VIII, 350; Brit. and For. St. Paps., vol. 17, p. 958; Am. St. Paps., For. Rels., III, 521.

### *Carlos Butterfield & Company.*

Seizure and detention, in 1854-5, of vessels named *Ben Franklin* and *Catherine Augusta*. Settled in 1890, by arbitration under an agreement signed December 6, 1888. Claim rejected. *Arbitrator:* Great Britain.

La Fontaine, 329; Malloy, 387; Darby, 814; Moore, II, 1185; V, 4710; Martens, 2d Series, XV, 790; For. Rels. U. S. (1889), 151; Brit. and For. St. Paps., vol. 82, p. 756.

## Dominican Republic

### *Ozama Bridge Case.*

Claim arising out of seizure, by municipal authorities of Santo Domingo City, of a toll bridge owned by an American citizen under concessions from city government. Referred to arbitration under agreement concluded by diplomatic correspondence in 1897-98. Awarded United States \$74,411.17. *Arbitrator:* United States.

Moore, Digest, VI, 729; For. Rels. U. S. (1898), 274.

### *J. Sala & Company.*

Claim of American firm for supplies furnished to late President. Submitted to arbitration by agreement between the firm and Dominican Government in January, 1903. Awarded United States, \$215,000. *Arbitrators:* United States and Bolivia.

Darby, 904; MS., Dep't of State.

### *San Domingo Improvement Company.*

Differences arose between the Dominican Government and certain American corporations. Under a protocol signed January 31, 1903, the companies withdrew from the Dominican Republic, and the question of indemnity was submitted to arbitrators. Award of \$4,481,250 in favor of the United States. *Arbitrators:* 1 United States, 1 Dominican Republic. *Umpire:* United States.

For. Rels. U. S. (1904), 270; Malloy, 414; Moore, Digest, VI, 523, 734.



## Ecuador

### *Pecuniary Claims.*

Mutual claims of citizens of the two countries which arose out of various governmental acts. Settled in 1865 by a mixed commission under the provisions of the convention signed November 25, 1862. Awarded United States \$94,799.56. *Commissioners:* 1 United States, 1 Ecuador. *Umpire:* Venezuela.

Moore, II, 1569; V, 4711; Darby, 787; Malloy, 432; Brit. and For. St. Paps., vol. 54, p. 1121; La Fontaine, 40.

### *Santos Claim.*

Illegal arrest in December, 1884, of Santos, an American citizen, who was charged with complicity in the revolution. Settled by arbitration on September 22, 1896, under convention signed February 28, 1893. Awarded United States \$40,000. *Arbitrator:* Great Britain.

Moore, II, 1579; V, 4713; Malloy, 438; Darby, 820; Martens, 2d Series, XXII, 375; For. Rels. U. S. (1896), 103; Brit. and For. St. Paps., vol. 86, p. 1174; vol. 88, p. 552; La Fontaine, 449.

## France

### *French Indemnity of 1831.*

Mutual claims arising out of depredations at sea during the Napoleonic wars. Settled in 1836, under a convention signed July 4, 1831, by the provisions of which the French Government agreed to pay the sum of 25,000,000 francs and the United States to pay to France the sum of \$1,500,000. *Diplomatic Settlement.*

Malloy, 523; Darby, 894; Moore, V, 4447; Am. St. Paps., For. Rels., III, 25, 80, 244, 324; V, 152, 204, 642, 672.

### *Mutual Claims.*

Claims for compensation for injuries sustained by the citizens of both countries during the Mexican War of 1863, the American Civil War, and the Franco-German War of 1870. Settled in 1884, by a mixed commission under a convention signed January 15, 1880. Awarded the United States 13,659.14 francs; awarded against the United States \$625,566.35. *Commissioners:* 1 United States, 1 France. *Umpire:* Brazil.

Moore, II, 1133; V, 4715; Darby, 801; Martens, 2d Series, VI, 493; IX, 700; Clercq, XII, 519; XIV, 42, 132; La Fontaine, 227; Malloy, 535.

## Germany

### *Military Operations in Samoa.*

Claims for damages resulting from military operations of Great



Britain and the United States in bombarding Apia in 1899. Settled in 1902 by arbitration, under a convention signed November 7, 1899. Awarded Germany as against the United States and Great Britain £50,000, of which one-half, £25,000 (\$121,500), was paid by the United States. *Arbitrator*: Sweden and Norway.

Malloy, 1589; Darby, 835; MS., Dep't of State; La Fontaine, 613.

## Great Britain

### *St. Croix River Boundary.*

Controversy as to what river was intended under the name of the river St. Croix mentioned in the Treaty of Peace of 1783. Settled by arbitration by a commission in 1798, under treaty signed November 19, 1794. Award in favor of the United States. *Commissioners*: 1 United States, 1 Great Britain. *Umpire*: United States.

Malloy, 593; Moore, I, 1; V, 4720; Darby, 769; Hertslet, IX, 761; La Fontaine, 1.

### *Recovery of Debts.*

Arose out of acts of certain States which passed laws impeding the recovery of sums of money by British subjects prior to the war of the revolution. Settled finally by convention signed January 8, 1802, under the terms of which the United States agreed to pay to Great Britain the sum of \$2,664,000, the total claim. The mixed commission originally appointed under the treaty of 1794, composed of 5 commissioners (3 Great Britain and 2 United States), had been unable to reach an agreement. *Diplomatic settlement.*

Malloy, 594, 610; Moore, V, 4727.

### *Maritime Seizures and the Rights and Duties of Neutrals.*

Mutual claims arising from losses and damages sustained by irregular and illegal captures or condemnation during the revolution. Settled by arbitration by a commission in 1804, under Article VII, of the treaty of November 19, 1794. Awarded the United States \$11,656,000; awarded Great Britain \$143,428.14. *Commissioners*: 2 United States, 2 Great Britain. *Umpire*: United States.

Darby, 770; Moore, I, 299; V, 4720; La Fontaine, 4; Am. St. Paps., For. Rels., I, 140, 184, 239, 315, 401, 430, 472.

### *Passamaquoddy Bay.*

Question of ownership of certain islands in the Bay. Settled by arbitration by a commission under Article IV of the treaty signed



December 24, 1814. Award divided ownership with preponderance against the United States. *Commissioners*: 1 United States, 1 Great Britain.

Moore, I, 45; V, 4728; Darby, 772; Brit. and For. St. Paps., vol. 4, p. 805; vol. 5, p. 198; Martens, II, 76; Am. St. Paps., For. Rels., I, 92; II, 584; IV, 171, 808; Malloy, 614.

#### *Northern Boundary.*

Boundary along the middle of the Great Lakes, etc., to the water communication between Lakes Huron and Superior; also boundary to the Lake of the Woods. Under Articles VI and VII, of the treaty signed December 24, 1814, the questions were referred to a joint commission for arbitration, which, however, disagreed. The questions were finally settled under Articles VI and VII of the Webster-Ashburton Treaty, signed August 9, 1842. *Commissioners*: 1 United States and 1 Great Britain, disagreed. *Diplomatic Settlement.*

Am. St. Paps., For. Rels., II, 584; III, 164; IV, 808; La Fontaine, 15; Brit. and For. St. Paps., vol. 57, p. 803; Moore, I, 162, 171; V, 4728; Darby, 772; Malloy, 612.

#### *Northeastern Boundary.*

Controversy over the boundary of the United States from the source of the river St. Croix to the river St. Lawrence. Under Article V, of the treaty of December 24, 1814, provision was made for a commission to determine this boundary. The commission, however, was unable to agree and finally adjourned April 13, 1822. The question was then referred to the arbitration of the King of the Netherlands under treaty of September 29, 1827. Award rendered January 10, 1831, but was not decisive. The boundary was finally settled by the Webster-Ashburton Treaty of 1842. *Diplomatic Settlement.*

Moore, I, 65; V, 4728; Darby, 772; Martens, VII (pt. 2), p. 491; Hertslet, XVIII, 1249; Am. St. Paps., For. Rels., II, 584; III, 162; IV, 647, 808; V, 50; Brit. and For. St. Paps., vol. 15, p. 469; vol. 22, p. 772; vol. 23, p. 404; vol. 24, p. 1179; vol. 25, p. 903; vol. 27, p. 821; La Fontaine, 8; Malloy, 615.

#### *Obligation as to Slaves.*

Controversy respecting the true intent and meaning of Article I of the Treaty of Ghent of December 24, 1814, respecting the restoration of, or compensation for, slaves in territory in possession of British at time of ratification of that treaty, which territory was to be restored to the United States. Settled by arbitration, decision being rendered April 22, 1822, under the convention of October 20, 1818. Award in favor of the United States. The

amount of compensation was not fixed by this award, but was left to a mixed commission under a convention signed July 12, 1822, which rendered its decision November 13, 1826. Awarded the United States \$1,204,960. *Arbitrator*: Russia. *Commissioners*: 2 United States, 2 Great Britain.

Moore, I, 350; V, 4733; Darby, 775; Am. St. Paps., For. Rels., III, 735; IV, 106, 376; V, 214; La Fontaine, 17, 619; Malloy, 631, 634.

#### *Mutual Claims Which Had Arisen Since the Treaty of Ghent.*

Settled in 1854 by a mixed commission under a convention signed February 8, 1853. Awarded the United States \$329,734.16; awarded Great Britain \$277,102.88. *Commissioners*: 1 Great Britain, 1 United States. *Umpire*: Great Britain.

Moore, I, 391; IV, 4349; Darby, 782; Malloy, 664; La Fontaine, 31.

#### *Hudson's Bay and Puget's Sound Agricultural Companies.*

Claims of these British companies on account of appropriation of lands once possessed by them in territories of Oregon and Washington. Settled by arbitration in 1865, under the treaty signed July 1, 1863. Awarded title of the land to the United States upon payment of cash consideration of \$650,000 to Great Britain. *Commissioners*: 1 United States, 1 Great Britain. *Umpire*: United States.

Moore, I, 237; V, 4749; Darby, 788; La Fontaine, 44; For. Rels. U. S. (1871-72), 532; Malloy, 688.

#### *"Alabama" Claims.*

Claims of American citizens for compensation for losses and damages occasioned by acts of the *Alabama* and other privateers fitted out in British waters. Settled in 1872, by arbitration by a mixed commission under Articles 1-11 of the treaty of May 8, 1871. Awarded United States \$15,500,000. *Commissioners*: 1 United States, 1 Great Britain, 1 Italy, 1 Switzerland, and 1 Brazil.

Moore, I, 495; Darby, 794; Malloy, 701, footnote; La Fontaine, 138.

#### *Civil War Claims.*

Mutual Claims of subjects arising out of military operations during the Civil War. Settled in 1873, by arbitration by a mixed commission under Articles 12-17 of the treaty signed May 8, 1871. Awarded Great Britain \$1,929,819. *Commissioners*: 1 United States, 1 Great Britain. *Umpire*: Italy.

Moore, I, 683; III, 2201; Darby, 795; Malloy, 705, footnote; Martens, 2d Series, I, 37; Hertslet, XIV, 1180; La Fontaine, 144.



### *Coast Fishery Rights.*

Controversy as to pecuniary compensation due Great Britain in consideration of the greater value of fishing privileges conferred by Great Britain on the United States under Articles 18-21 of the Treaty of Washington. Settled in 1878 by arbitration by a mixed commission under Articles 22-25 of the Treaty of Washington, signed May 8, 1871. Awarded Great Britain \$5,500,000. *Commissioners*: 1 United States, 1 Great Britain, 1 Belgium.

Moore, I, 703; V, 4751; Darby, 795; Moore, Digest, I, 799; Malloy, 708, footnote; Hertslet, XIV, 1185; La Fontaine, 148.

### *San Juan Water Boundary.*

Dispute as to the boundary line through the channel separating the continent from Vancouver Island. Settled in 1872, by arbitration under Articles 34-37 of the Treaty of Washington. Award in favor of United States. *Arbitrator*: Germany.

Moore, I, 196; V, 4756; Darby, 796; Malloy, 716; Brit. and For. St. Paps., vol. 50, p. 796; vol. 55, pp. 743, 1211, 1284; vol. 56, p. 1406; vol. 59, p. 21; vol. 62, p. 188; La Fontaine, 149; Martens, XX, 775.

### *Bering Sea Seal Fisheries.*

Controversy as to the jurisdictional rights of the United States in the Bering Sea. Settled in 1893 by arbitration under the convention signed February 29, 1892. Award against the United States in the matter of ownership of the seals outside of the maritime jurisdiction and in favor of the United States to the extent that necessity for regulation was admitted. *Arbitrators*: 2 United States, 2 Great Britain, 1 France, 1 Italy, 1 Sweden and Norway.

Moore, I, 755; II, 2123; V, 4759; Darby, 819; Malloy, 746; Martens, 2d Series, XVIII, 592; XXII, 557; Hertslet, XIX, 925; For. Rels., U. S. (1890), 358; (1891), 530; La Fontaine, 422.

### *Bering Sea Claims.*

Claims of British subjects for seizure and detention of vessels and sailing fleets prior to 1892 in Bering Sea waters outside of the maritime limit. The United States in 1894 offered to pay, subject to consent of Congress, \$425,000 in full settlement. This was accepted by Great Britain. Congress did not appropriate the money and a mixed commission was appointed under a convention signed February 8, 1896, to determine the exact amount of damages in the case. Awarded Great Britain, December 17, 1897, \$473,151.26. *Commissioners*: 1 Great Britain, 1 United States.

Moore, I, 960; II, 2123; V, 4764, 5067; Darby, 825; Malloy, 766; Hertslet, XX, 935; La Fontaine, 520.

*Alaskan Boundary.*

Controversy as to the boundary between Alaska and the Dominion of Canada. Settled in 1903 by arbitration by a joint commission under the convention signed January 24, 1903. Award largely in favor of the United States. *Arbitrators:* 3 United States, 3 Great Britain.

Malloy, 787; Darby, 908; S. Doc. No. 162, 58th Cong., 1st Sess.

*North Atlantic Coast Fisheries.*

Controversy as to the rights of American citizens in North Atlantic Coast waters, granted by Article 1 of the convention of October 20, 1818. Settled in 1910, by arbitration by the Permanent Court at The Hague under a special agreement signed January 27, 1909. Award on five of the seven questions favorable to the United States; on the other two questions a compromise. *Arbitrators:* 1 United States, 1 Great Britain, 1 Austria, 1 Netherlands, 1 Argentine Republic.

Moore, I, 426; V, 4747; La Fontaine, 437; Malloy, 835; S. Doc. No. 870, 61st Cong., 3d Sess.

*Pecuniary Claims.*

By an agreement signed August 18, 1910, certain outstanding claims were referred to arbitration, as recommended by Article 38 of the Hague Convention of October 18, 1907. The arbitration is still pending. *Arbitrators:* 1 United States, 1 Great Britain, 1 France.

S. Doc. No. 1063, 62d Cong., 3d Sess., p. 50.

**Guatemala***Mutual Claims.*

Arising out of a contract between the Government of Guatemala and a citizen of the United States concerning the building of the Guatemala Northern Railroad and for damages caused by civil and military authorities of Guatemala. Settled by Arbitrator under agreement of February 23, 1900. Award of \$143,750.73 in favor of United States. *Arbitrator:* Great Britain.

Moore, Digest, VI, 730; For. Rels. U. S. (1900), 648; Malloy, 871.

**Haiti***Personal Claims.*

Arising out of charges against American citizens of piracy and traffic in slaves, and the non-execution of a contract in connection with a government concession for a bank. Settled by arbitrator



under protocol of May 24, 1884. Award of \$174,750, in favor of the United States, set aside by Department of State. *Arbitrator*: United States.

Moore, II, 1749; V, 4768; Darby, 806; For. Rels. U. S. (1887), 630; Malloy, 932, 935; Martens, 2d Series, XI, 798; Brit. and For. St. Paps., vol. 75, p. 382; La Fontaine, 245.

### *Personal Claims.*

Damages sustained during a riot at Port au Prince, September, 1883. Settled by a mixed commission under verbal agreement of January 25, 1885. Award of \$5,700 in favor of the United States. *Commissioners*: 2 United States, 2 Haiti.

For. Rels. U. S. (1883), 594; (1885), 500; Moore, II, 1859.

### *Arbitrary Arrest and Imprisonment.*

Arrest and imprisonment of an American citizen and denial of legal rights at Port au Prince in 1884. Settled by arbitrator under protocol of May 24, 1888. Award of \$60,000 in favor of the United States. *Arbitrator*: United States.

Darby, 813; Malloy, 935; Moore, II, 1807; V, 4770; For. Rels. U. S. (1884), 316; (1885), 498; (1888, pt. 1), 984, 1007; La Fontaine, 301.

### *Illegal Seizure and Sale of Property.*

Claim for seizure and sale of property belonging to American citizen by the Government of Haiti, and for breach of contract. By agreement of October 18, 1899, referred to arbitrator. Award of \$23,000 in favor of the United States. *Arbitrator*: United States.

Malloy, 936; Darby, 835; Brit. and For. St. Paps., vol. 92, p. 461.

## Mexico

### *Personal Indemnities.*

Claims of United States citizens for damages suffered during numerous revolutions. All claims referred by convention of April 11, 1839, to an arbitral commission. Awarded United States, \$671,798.08. Remaining unadjudicated claims referred to another commission by convention of January 30, 1843. War with Mexico intervened, and at the close of the war the United States, in consideration of territory ceded by Mexico under the treaty of February 2, 1848, agreed not only to pay the liquidated claims under the conventions of 1839 and 1843, but also to discharge Mexico from all claims of citizens of the United States not heretofore decided against the Mexican Government and to make satisfaction for the same to an amount not exceeding three and one-

quarter million dollars. For this purpose the United States established a board of commissioners whose awards amounted to \$3,208,314.96. *Diplomatic Settlements.*

Moore, II, 1209; V, 4771; Darby, 778; Malloy, 1101, 1105, 1107; La Fontaine, 21; MS., Dep't of State.

### *Mutual Claims.*

Various claims and counter-claims which had arisen since the Treaty of Guadalupe Hidalgo in 1848. Settled by a mixed commission under a convention dated July 4, 1868. Awards, \$4,125,622.20 in favor of the United States, \$150,498.41 in favor of Mexico. *Commissioners:* 1 United States, 1 Mexico. *Umpire:* Great Britain.

Moore, II, 1287; V, 4773; Darby, 791; Malloy, 1128; Calvo, II, 570; La Fontaine, 70.

### *Personal Injuries.*

Suffered by American citizens at the hands of Mexican agents in 1892. Settled by arbitrator under a special convention of March 2, 1897. Award in favor of Mexico. *Arbitrator:* Argentine Republic.

Malloy, 1180; Darby, 828; For. Rels. U. S. (1897), 378; Brit. and For. St. Paps., vol. 90, p. 1252; La Fontaine, 558.

### *Pious Fund of the Californias.*

Claim advanced by and on behalf of prelates of the Roman Catholic Church of California against Mexico for annual interest in arrears on a certain fund known as the "Pious Fund of the Californias." Settled by Permanent Court at The Hague under the protocol of May 22, 1902. Award of permanent future annual interest of \$43,050.99, Mexican money, and arrears amounting to \$1,420,082.67, Mexican money (approximately \$710,041.33, United States money), in favor of the United States. *Arbitrators:* 1 Great Britain, 1 Russia, 2 Netherlands, 1 Denmark.

Ralston's *Report*; Malloy, 1194; Darby, 901.

### *Chamizal Tract.*

Controversy over the ownership of a tract of land situated on the Rio Grande River near El Paso, Texas. Submitted to a mixed commission in 1911, under agreement signed June 24, 1910. Award indecisive and question is still subject of diplomatic negotiation. *Commissioners:* 1 United States, 1 Mexico. *Umpire:* Great Britain.

*Chamizal Arbitration*; MS., Dep't of State; Am. J. Int. Law, IV, 925; V, 709, 782-832.



## Nicaragua

### *Illegal Seizures of "Buena Ventura" and "Alerta."*

Seizure and detention by Nicaraguan authorities of the two steam launches *Buena Ventura* and *Alerta* belonging to American citizens. Also claim of an American company for seizure of certain goods belonging to it. Settled by an arbitrator under an agreement signed March 22, 1900. Award of \$8,365.94, in favor of the United States. *Arbitrator*: United States.

Malloy, 1290; Darby, 837; La Fontaine, 616.

## Paraguay

### *United States and Paraguay Navigation Company.*

Confiscation of property rights, interference with the business and expulsion of the company from the country. Settled by a commission under convention of February 4, 1859. Award in favor of Paraguay. *Commissioners*: 1 United States, 1 Paraguay.

Moore, II, 1485; V, 4781; Malloy, 1362; Darby, 785; Brit. and For. St. Paps., vol. 49, p. 485; La Fontaine, 37, 620.

## Peru

### *Indemnity for Destruction of Property.*

Seizure and destruction of property by the Peruvian Government. By a convention signed March 17, 1841, the Peruvian Government agreed to pay the United States 300,000 "hard dollars," to be distributed among the claimants in a manner prescribed by the United States Congress. The United States Congress directed the Attorney General to adjudicate the claims. Award of \$421,432.41 in favor of the United States. *Diplomatic Settlement.*

Moore, V, 4591; Darby, 895; Malloy, 1386.

### *Maritime Captures.*

Illegal capture and confiscation of two American ships, *Lizzie Thompson* and *Georgiana*, in January, 1858. Settled by arbitrator under agreement of December 20, 1862, in that the arbitrator declined to act, and his reasons given for such declination convinced the United States that its claim was untenable. Claim withdrawn by United States. *Arbitrator*: Belgium.

Moore, II, 1593; V, 4785; Malloy, 1406; Darby, 787; Brit. and For. St. Paps., vol. 54, p. 1123; La Fontaine, 41.

### *Mutual Claims.*

Settled by mixed commission under convention signed January 12,

1863. Awards in favor of United States, \$57,196.23; in favor of Peru, \$25,300. *Commissioners*: 2 United States, 2 Peru. *Umpire*: Colombia.

Moore, II, 1615; V, 4786; Malloy, 1408; Darby, 788; Brit. and For. St. Paps., vol. 54, p. 1124; La Fontaine, 43.

#### *Mutual Claims.*

Various claims arising since 1863. Settled by an arbitral commission under convention of December 4, 1868. Awards in favor of the United States, \$194,417.62; in favor of Peru, \$57,040. *Commissioners*: 1 United States, 1 Peru. *Umpires*: 1 Great Britain, 1 Colombia, acting by lot.

Moore, II, 1639; V, 4788; Darby, 792; Malloy, 1411; Brit. and For. St. Paps., vol. 59, p. 268; La Fontaine, 79.

#### *Personal Injuries.*

Damages claimed by an American citizen who was arrested, fined and deprived of his occupation during Revolution of 1885. Settled by arbitrator under the agreement of May 17, 1898. Award of \$40,000 in favor of the United States. *Arbitrator*: Great Britain.

Malloy, 1443; Darby, 832; La Fontaine, 612.

### Portugal

#### *Violation of Neutrality.*

Alleged non-fulfilment of neutral duty in permitting destruction of American ships by British fleet in Portuguese waters. Settled by arbitrator under the treaty of February 26, 1851. Award in favor of Portugal. *Arbitrator*: France.

Moore, II, 1071; V, 4791; Malloy, 1458; Darby, 781; Brit. and For. St. Paps., vol. 42, p. 1378; vol. 45, p. 465; Clercq, VI, 237; La Fontaine, 30.

#### *Delagoa Bay Railway Concession.*

Seizure and confiscation in 1889 of railroad concessions held by American and British citizens under grant from the Portuguese Government. Submitted to arbitration by exchange of notes on August 13, 1890, and a protocol dated June 13, 1891. Award, in favor of the United States and Great Britain, of 15,314,000 francs, Swiss money, in addition to £28,000 paid on account in 1890. Total award, \$3,091,682, of which the United States received \$412,619.28. *Arbitrators*: 3 Switzerland.

Moore, II, 1865; Malloy, 1460; Darby, 816; La Fontaine, 397.



## Russia

### *Seizure of Ships.*

Capture of American fishing vessels in the Bering Sea within seven miles of the Asiatic coast by Russian cruisers. Settled by arbitration under a protocol signed September 8, 1900. Awards of \$114,670 in favor of the United States. *Arbitrator*: Netherlands.

Malloy, 1532; Darby, 837; La Fontaine, 618, 645.

## Salvador

### *Confiscation of Gunpowder.*

In September, 1851, an American citizen imported gunpowder into Salvador and had disposed of a part of it when, in 1852, the sale of gunpowder was decreed a government monopoly. Claimant was unable to dispose of the balance of powder he had on hand and the same was confiscated by the government. Claim settled by arbitration under an agreement of May 4, 1864. Award of \$4,497.50 in favor of United States. *Arbitrators*: 3 Latin America.

Moore, II, 1855; Darby, 789.

### *Salvador Commercial Company.*

Claims of Salvador Commercial Company arising out of alleged appropriation of certain rights conceded to it by the Government of Salvador. Submitted to arbitration under protocol dated December 19, 1901. Award of \$537,178.64, in favor of the United States. *Commissioners*: 1 United States, 1 Salvador. *Umpire*: Great Britain.

Malloy, 1568; Darby, 901.

## Siam

### *Military Assault on Vice-Consul.*

Attack on the American Vice-Consul by Siamese soldiers, on November 19, 1896. In 1897 the question was submitted to arbitration. Award in favor of United States, requiring Government of Siam to publish official regrets. *Commissioners*: 1 United States, 1 Siam.

Moore, II, 1862; Darby, 831; La Fontaine, 604.

### *Personal Injuries.*

Claim of an American citizen for seizure and sale of personal property by the Siamese Government in 1889. Settled by arbitration under protocol of an agreement dated July 26, 1897. Award

of \$196,713.36 in favor of the United States. *Arbitrator*: Great Britain.

Moore, II, 1899; V, 5068; Darby, 831; S. Doc. No. 180, 54th Cong., 2d Sess.; For. Rels. U. S. (1897), 479; La Fontaine, 579.

## Spain

### *Maritime Captures.*

Claims against Spain for depredations committed upon American ships during the war between Spain and France. Settled by commission under the treaty of October 27, 1795. Award of \$325,440.075 in favor of the United States. *Commissioners*: 1 United States, 1 Spain. *Umpire*: United States.

Moore, II, 991; V, 4796; Malloy, 1640; Darby, 770; La Fontaine, 79; Am. St. Paps., For. Rels., I, 45, 48, 277, 533; II, 283; IV, 530.

### *East and West Florida Claims.*

Indemnity to Spanish subjects for injuries received during operations of the American army in Florida, under Article 9 of the treaty of February 22, 1819. By act of Congress of March 3, 1823, claimants were remitted to the superior courts of St. Augustine and Pensacola, the judges thereof being authorized to form a tribunal. The sum eventually paid by the United States was \$1,024,741.44. *Diplomatic Settlement.*

Moore, V, 4519; Malloy, 1651; Darby, 893; Am. St. Paps., For. Rels., I, 63; II, 564; III, 538; IV, 422, 776.

### *Claims of American Citizens under Treaty of 1819.*

Payment by the United States of claims of its own citizens then existing against Spain, under Article 11 of the treaty. Award \$5,000,000. *Diplomatic Settlement. Domestic Commission.*

Moore, V, 4487; Malloy, 1651; Darby, 893; La Fontaine, 7.

### *Claims Settlement of 1834.*

Indemnities to various American claimants, provision for the payment of which was made by Spain in a convention signed February 17, 1834. Distribution of \$549,850.28, made by United States to claimants, January 31, 1838. *Diplomatic Settlement.*

Moore, V, 4533; Malloy, 1659; Darby, 895; Brit. and For. St. Paps., vol. 18, p. 2.

### *"Colonel Lloyd Aspinwall."*

Seizure and detention by Spain, in 1870, of the American steamer *Colonel Lloyd Aspinwall*. Settled by arbitration commissioners under exchange of notes dated May 25, 1870, and June 16, 1870.



Award of \$19,702.50 in gold in favor of the United States. *Commissioners*: 1 United States, 1 Spain.

Moore, II, 1007; Darby, 793; La Fontaine, 154.

### *Cuban Insurrection of 1868.*

Claims for wrongs inflicted upon American citizens during Cuban insurrection of 1868. Settled by mixed commission under the diplomatic agreement of February 12, 1871. Award of \$1,293,450.55 in favor of the United States. *Commissioners*: 1 United States, 1 Spain. *Umpires*: 1 Austria, 1 France, 1 Italy, 1 Sweden and Norway (changed because of resignations).

Moore, II, 1019; V, 4802; Malloy, 1661; Darby, 794; Martens, 2d Series, I, 19; La Fontaine, 134, 640.

### *Steamer "Virginus."*

Indemnity demanded for outrages inflicted on officers and crew of the steamer while in Cuban waters. By an agreement of February 27, 1875, Spain agreed to pay \$80,000. *Diplomatic Settlement.*

Malloy, 1664.

### *Bark "Masonic."*

Seizure and detention of American ship *Masonic* at Manila in 1879. Settled by arbitrator under agreement by mutual notes, signed at Madrid, February 28, 1885. Award of \$51,674 in favor of the United States, which was \$2,600 in excess of the amount claimed. *Arbitrator*: Italy.

Moore, II, 1055; For. Rels. U. S. (1885), 678; Darby, 808; La Fontaine, 281.

## Two Sicilies

### *Neapolitan Indemnity.*

Claims arising out of depredations on American vessels during Napoleonic wars. By the convention of October 14, 1832, the King of the Two Sicilies agreed to pay the United States 2,115,000 Neapolitan ducats in settlement. Awards rendered in 1835 of \$1,925,034.68 in favor of the United States. *Diplomatic Settlement.*

Moore, V, 4575; Darby, 894; Am. St. Paps., For. Rels., IV, 160; Malloy, 1804.

## Venezuela

### *Claims Settlement of 1852.*

Indemnity for capture and confiscation, in 1818-19 and 1827, of certain American vessels. By the convention of May 1, 1852, Venezuela agreed to pay the United States \$90,000. *Diplomatic Settlement.*

Malloy, 1842.

### *Aves Island Case, 1859.*

Claims for damages caused by eviction of American citizens from the island by Venezuelan authorities. By the convention of January 14, 1859, Venezuela agreed to pay the United States \$130,000. *Diplomatic Settlement.*

Malloy, 1843.

### *Pecuniary Claims.*

Outstanding claims of American citizens against the Government of Venezuela were submitted to mixed arbitration commissions by the conventions of April 25, 1866, December 5, 1885, March 15, 1888, and October 5, 1888. Award of \$980,572.60 in favor of the United States. *Commissioners:* 1 United States, 1 Venezuela. *Umpire:* First commission, Venezuela; second commission, United States.

Malloy, 1856, 1858, 1865, 1866, 1867, note; Moore, II, 1659; V, 4808.

### *Seizure of Ships.*

Claims arising from seizure of American ships and imprisonment of crews by the Venezuelan Government. Settled by mixed commission under convention signed January 19, 1892. Award of \$141,800 in favor of the United States and \$300 in favor of Venezuela. *Commissioners:* 1 United States, 1 Venezuela. *Umpire:* Sweden and Norway.

Moore, II, 1693; III, 2238; V, 4818; Malloy, 1868; Darby, 818; Martens, 2d Series, XXII, 263; La Fontaine, 420.

### *Pecuniary Claims.*

Various claims of citizens of the United States. Settled by mixed commission under protocol of February 17, 1903. Award of \$2,313,711.37 in favor of the United States. *Commissioners:* 1 United States, 1 Venezuela. *Umpire:* Netherlands.

Malloy, 1870; Darby, 909; Morris' *Report*; *Venezuelan Arbitrations of 1903*, Ralston's *Report*.



*Preferential Treatment of Blockading Powers.*

Contention of Great Britain, Germany and Italy in 1903 that those countries should receive payment of obligations of Venezuela prior to payment of obligations owing to other Powers. Referred to Permanent Court of Arbitration at The Hague under protocols of agreements of May 7, 1903, between Great Britain, Germany, Italy, and Venezuela to which United States assented under date of May 27, 1903. Settled by award of February 22, 1904, in favor of the blockading Powers. *Arbitrators*: 2 Russia, 1 Austria.

Malloy, 1872; Penfield's *Report*.

*Orinoco Steamship Company.*

Arose out of decision by umpire of the claim of this company presented to the mixed commission of 1903 between the United States and Venezuela. Two questions were presented: First, question of reopening the arbitral decision; second, claim for an amount additional to the \$28,000, awarded by the umpire in the case before the mixed commission. Settled by award dated October 25, 1910, of the Permanent Court of Arbitration at The Hague, under a protocol signed February 13, 1909. Decision in favor of the United States on both points in that the original award was opened and a new award of \$90,000 rendered, which included the \$28,000 awarded by the mixed commission. *Arbitrators*: 1 Cuba, 1 Belgium. *Umpire*: Austria.

*Orinoco Steamship Company Arbitration*; Malloy, 1881; MS., Dep't of State.

*United States and Venezuela Company.*

By a protocol signed August 21, 1909, certain concessions held by this company were released to the Government of Venezuela, which agreed to pay to the United States \$475,000. All claims between Venezuela and the company were declared satisfied. *Diplomatic Settlement.*

Malloy, 1887.

*The Orinoco Corporation.*

By a protocol signed September 9, 1909, the concession held by this company was released to the Government of Venezuela, which agreed to pay to the United States the sum of \$385,000. All claims between Venezuela and the company were declared satisfied. *Diplomatic Settlement.*

Malloy, 1889.

## SUMMARY

COUNTRY	Awards or settlements in favor of United States.	Awards or settlements against United States.	Awards or settlements favoring all parties.	TOTAL AWARDS	
				In favor of United States	Against the United States
Brazil .....	3			\$ 725,460.04	
Chile .....	3		1	1,237,693.13	\$ 3,000.00
China .....	3			11,739,838.97 <sup>a</sup>	
Colombia .....	3			618,003.66	
Costa Rica .....	1			25,704.14	
Denmark .....	1	1		650,000.00	
Dominican Republic	3			4,770,661.17	
Ecuador .....	2			134,799.56	
France .....			2	4,827,636.21	2,125,566.35
Germany .....		1			121,500.00
Great Britain .....	4	5	8 <sup>b</sup>	28,690,694.16	11,637,501.28
Guatemala .....	1			143,750.73	
Haiti .....	4			263,450.00	
Mexico .....	1	1	3	4,835,663.53 <sup>c</sup>	3,358,813.37 <sup>d</sup>
Nicaragua .....	1			8,365.94	
Paraguay .....		1			
Peru .....	2	1	2	713,046.26	340.00
Portugal .....	1	1		412,619.28	ited
Russia .....	1			114,670.00	
Salvador .....	2			541,676.14	
Siam .....	2			196,713.36	
Spain .....	6	2		2,320,117.40	6,024,741.44 <sup>e</sup>
Two Sicilies .....	1			1,925,034.68	
Venezuela .....	7	1	1	4,606,083.97	300.00
Totals.....	52	14	17	\$69,501,682.33	\$23,353,762.44

Grand Total of Awards.....\$92,855,444.77

In favor of the United States.....\$69,501,682.33=74.8 per cent.

Against the United States.....\$23,353,762.44=25.2 per cent.

a. Of the total amount recovered from China, \$11,000,000 represents the indemnity finally exacted by the United States on account of the Boxer Insurrection of 1900. Of this sum, \$2,000,000 was allotted by the State Department to claimants; \$2,000,000 more was reserved by Congress to settle any additional amounts which might be found due claimants through determination of damages by the Court of Claims; and \$7,000,000 represents the combined estimated cost of the insurrection to the War and Navy Departments.

b. Of the eight cases listed under this heading, two were mutual pecuniary claims arbitrations in which the United States recovered \$11,985,734.16 and Great Britain \$2,350,350.02, a recovery by the United States of \$9,635,384.14 more



than Great Britain. Thus these two arbitrations might properly be classed as won by the United States rather than under the heading as listed. Of the six remaining arbitrations and settlements under this head, two were boundary disputes, finally settled by treaty, which may be termed compromises generally satisfactory to both sides; one a boundary dispute decided largely against the United States; one a boundary dispute (the Alaskan Boundary), which was almost entirely in favor of the United States; one a question of interpretation of treaty rights (North Atlantic Coast Fisheries), in which the United States won five out of the seven questions submitted and, as a final result of the arbitration, practically gained its contentions as to the other two questions in controversy; and one is still pending.

c. Of the amount listed under this head, \$710,041.33 (\$1,420,082.67 Mexican money) represents a recovery by the United States in what is known as the "Pious Fund Case." The decision also required the Government of Mexico to pay to the United States the sum of \$43,050.99 (Mexican money) annually in perpetuity. In computing the total amounts recovered this latter annual payment has not been considered.

d. Of the total amount listed as recovered by Mexico from the United States, viz: \$3,358,813.37, the sum of \$3,208,314.96 does not really represent an award against the United States; it represents the amount of indemnity demanded by citizens of the United States who held claims against the Government of Mexico at the conclusion of the Treaty of Guadalupe Hidalgo of February 2, 1848. In consideration of a large tract of land ceded by Mexico under the terms of the treaty, the United States assumed the payment of these claims.

e. \$5,000,000 of this sum was paid by the United States to its own citizens under Treaty of 1819.





# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 2

## LIMITATION OF ARMAMENT ON THE GREAT LAKES

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## Introduction

Dr. Johnson said of Oliver Goldsmith that he "never touches any subject, but he adorns it"; and it may be said with equal truth that Benjamin Franklin never discussed any subject, scientific or political, without illuminating it. In an interesting interview with Dr. Franklin, in 1783, the question of the limitation of armaments was broached by a Mr. Baynes, in whose journal the interview is recorded, and within the compass of a paragraph the great Doctor pointed out the way in which armaments might be limited, and the reasons which in his opinion made their limitation inevitable.<sup>1</sup> Two young Englishmen, John Baynes and Samuel Romilly, the latter, like Franklin, a benefactor of his kind, took advantage of the peace between the erstwhile colonies and the mother country, to visit Dr. Franklin, who was then our Minister at the Court of Versailles, and for whom the young men had conceived a great admiration. Romilly, doubtless to his great regret, was not present at the interview in question. The venerable diplomat and statesman evidently took a fancy to them, for Romilly says in his autobiography: "Doctor Franklin was indulgent enough to converse a good deal with us, whom he observed to be young men very desirous of improving by his conversation."<sup>2</sup>

"Insensibly," says Mr. Baynes, in his journal under date of October 2, 1783, "we began to converse on standing armies, and he seeming to express an opinion that this system might some time or other be abolished, I took the liberty to ask him in what manner he thought it could be abolished; that at present a compact among the Powers of Europe

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<sup>1</sup>Mr. Baynes' journal was printed originally as an appendix to the first volume of the *Life of Sir Samuel Romilly*, written by himself, edited by his sons, 2 vols., 3d ed., 1841; reprinted in Bigelow's *Works of Benjamin Franklin*, 1888, Vol. VIII, pp. 410-25.

<sup>2</sup>*Life of Sir Samuel Romilly*, Vol. I, p. 50.

Sir Samuel Romilly was an excellent judge of men, and in the course of his long career he met the celebrities of his generation. His opinion of Franklin is, therefore, of more than passing interest, especially to Americans. It is, therefore, quoted:

"Of all the celebrated persons whom, in my life, I have chanced to see, Dr. Franklin, both from his appearance and his conversation, seemed to me the most remarkable. His venerable patriarchal appearance, the simplicity of his manner and language, and the novelty of his observations, at least the novelty of them at that time to me, impressed me with an opinion of him as of one of the most extraordinary men that ever existed."

seemed the only way, for one or two Powers singly and without the rest would never do it; and that even a compact did not seem likely to take place, because a standing army seemed necessary to support an absolute government, of which there were many in Europe. 'That is very true,' said he; 'I admit that if one Power singly were to reduce their standing army, it would be instantly overrun by other nations; but yet I think that there is one effect of a standing army which must in time be felt in such a manner as to bring about the total abolition of the system.' On my asking what the effect was to which he alluded, he said he thought they diminished not only the population, but even the breed and the size of the human species. 'For,' said he, 'the army in this and every other country is in fact the flower of the nation—all the most vigorous, stout, and well-made men in a kingdom are to be found in the army. These men in general never marry.'"<sup>1</sup>

It will be noted that in this brief paragraph Dr. Franklin went to the root of things. He had previously expressed, in a passage to be quoted later, a hope "that the world would grow wiser, and wars become less frequent." He felt, however, that the process would be very slow, and that nations would have to understand that the war-system was calculated to destroy their virility. If they should find that the effect of wars was not merely to diminish the population, but even the breed and the size of the human species, he thought that the nations would through motives of self-preservation reduce their standing armies. This is in a nutshell the biological argument against war.<sup>2</sup> Modern instances might be cited to show the correctness of the good Doctor's views as to the inevitable consequences of war. It is, however, best to reject the present and to appeal solely to the past.

In speaking of the decline and fall of the Roman Empire, a recent German writer, Dr. Otto Seeck, Professor of History at the University of Rostock, states, after a careful and painstaking examination of all available statistics, that the fall of the Empire was due to the fact that out of every hundred thousand strong men, eighty thousand were slain in battle, and that out of every hundred thousand weaklings, ninety to ninety-five thousand were left to survive, and to use Franklin's

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<sup>1</sup>*Life of Sir Samuel Romilly*, Vol. I, Appendix, pp. 454-5; Bigelow's *Works of Benjamin Franklin*, Vol. VIII, p. 420.

<sup>2</sup>For an interesting development of this argument and its application to concrete cases, see David Starr Jordan's *Human Harvest*, 1907.



expression, to continue the human species.<sup>1</sup> His conclusion, therefore, is that the German conquered the Roman not because Rome was weakened by luxury and self-indulgence, which affected but a small percentage of the population, but because the barbarian was physically fit. Rome, depleted by war, was unequal to the contest.<sup>2</sup>

To the same effect is the earlier testimony of the late Sir John Seeley, who says that "whatever the remote and ultimate cause may have been, the immediate cause to which the fall of the Empire can be traced is a physical, not a moral, decay. In valor, discipline, and science, the Roman armies remained what they had always been, and the peasant emperors of Illyricum were worthy successors of Cincinnatus and Caius Marius. But the problem was how to replenish those armies. Men were wanting; the Empire perished for want of men."<sup>3</sup>

That is to say, these two distinguished historians, one a German, the other an Englishman, permeated with German thought and culture, concur with Dr. Franklin, in attributing the fall of the greatest empire, at least the greatest empire of the ancient world, to the fact that "the flower of the nation—all the most vigorous, stout, and well-made men" had perished in battle. The good seed had been destroyed and the bad seed brought forth, as was to be expected, imperfect fruits. Will history repeat itself? Unfortunately, it is fond of doing so.

In the first part of the passage which has been quoted, Dr. Franklin gave his approval to the suggestion that standing armies might be abolished; that a compact among the Powers of Europe seemed the only way, as no one Power would abolish its standing army, as "it would be instantly overrun by other nations." The Doctor also concurred in the statement that standing armies "seemed necessary" to support an absolute government, of which there were many in Europe. From the cautious manner in which he treated the subject, it appears that he had no present hope of a compact among the nations, although he believed and so stated that the consequences of war would force

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<sup>1</sup>Otto Seeck's *Geschichte des Untergangs der antiken Welt*, 1894, 2d ed., 1897, Vol. I, p. 303.

<sup>2</sup>"Extermination of the best, which caused the downfall of the weaker nations, did but enable the stout German nation to raise new and enduring communities on the ruins of the ancient world." *Ibid.*, p. 308.

<sup>3</sup>Seeley's *Roman Imperialism and other Lectures and Essays*. 1871. American ed., p. 54.

them in the course of time to enter into a compact by means of which standing armies would be reduced. Here, again, as will be seen, the Doctor's views are supported by history.

In the course of the interview, Mr. Baynes mentioned what seemed to him to be "an omission in the Constitution of America, the want of any sufficient armed force." The good Doctor, as reported by Mr. Baynes, "seemed to think the objections of no great weight. 'For,' said he, 'America is not, like any European Power, surrounded by others, every one of which keeps an immense standing army; therefore, she is not liable to attacks from her neighbors—at least, if attacked she is on an equal footing with the aggressor, and if attacked by any distant Power she will always have time to form an army.'"<sup>1</sup> That is to say, Dr. Franklin thought that the situation of America, so unlike that of Europe, might prevent standing armies with us and that a compact with one Power, which was then impossible in Europe, might be feasible in America. In this he has not been deceived, and the Rush-Bagot agreement of 1817,<sup>2</sup> concluded between Great Britain and the United States, is a tribute to him, both as a prophet and as a statesman.

A further passage from Mr. Baynes' journal is enlightening as it shows not only Franklin's belief in human progress, but that his experience of affairs enabled him to set a time when nations might be expected to become reasonable. "In the course of this conversation," Mr. Baynes says, "I mentioned the shameful neglect of treaties which so prevailed at present; the great injustice of several of our own wars, and the triviality of the avowed cause of others. I likewise mentioned Dr. Price's plan for a general peace in Europe. He observed that nothing could be more disgraceful than the scandalous inattention to treaties, which appeared in almost every manifesto; and that he thought the world would grow wiser, and wars become less frequent. But he observed that the plans which he had seen for this purpose were in

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<sup>1</sup>*Life of Sir Samuel Romilly*, Vol. I, Appendix, p. 454; Bigelow's *Works of Benjamin Franklin*, Vol. VIII, pp. 419-20.

<sup>2</sup>This agreement, commonly called the Rush-Bagot compact, was effected by an exchange of notes dated respectively April 28 and 29, 1817, between Sir Charles Bagot, the British Minister to the United States, and Richard Rush, Acting Secretary of State. These notes and the President's proclamation of April 28, 1817, putting the agreement into effect, are printed as an Appendix to the Report, at pages 54, 56.



general impracticable in this respect, *viz.*, that they supposed a general agreement among the sovereigns of Europe to send delegates to a particular place. Now, though perhaps two or three of them might be willing to come into this measure, it is improbable and next to impossible that all, or even a majority of them, would do it. 'But,' said he, 'if they would have patience, I think they might accomplish it, agree upon an alliance against all aggressors, and agree to refer all disputes between each other to some third person, or set of men, or Power. Other nations, seeing the advantage of this, would gradually accede; and perhaps in one hundred and fifty or two hundred years, all Europe would be included.'"<sup>1</sup>

The time set by Dr. Franklin has not yet run, but if the signs of the day do not fail, agencies are at work which will make his prophecy seem less chimerical than it was exactly one hundred and thirty-one years ago. The enlightened Czar of all the Russias called the nations into conference in 1898, to discuss the limitation of armament. A Conference of twenty-six nations was held at The Hague, in 1899, to consider this question and the methods of peaceable settlement; a Conference of forty-four nations met at The Hague, in 1907, in which, however, the question was mentioned but not discussed, although the methods of peaceable adjustment were again considered, and there are many who believe that a third Conference is destined to meet at The Hague in the not distant future, in which these subjects will be examined in the light of a recent and a disastrous experience.

Great Britain and the United States, not the least respected countries in the society of nations, have entered into a compact, namely, the Rush-Bagot agreement of 1817;<sup>2</sup> a compact which has stood the test of time, and the storm and stress of war. It should be borne in mind that this agreement was the outcome of the so-called war of 1812, between the two countries, and that the observance of its provisions has kept peace along a boundary of well nigh four thousand miles.

The Great Lakes, lying between Canada and the United States, have been the theater of a number of naval conflicts, some of them of an important character, during the war between the United States and

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<sup>1</sup>*Life of Sir Samuel Romilly*, Vol. I, Appendix, pp. 452-5; Bigelow's *Works of Benjamin Franklin*, Vol. VIII, p. 418.

<sup>2</sup>See Appendix, p. 54.

Great Britain of 1812-14; and when peace was declared there existed on these lakes a considerable body of naval vessels of both nations.

The Government of the United States proposed that these vessels be dismantled and put out of warlike service, and that thereafter the naval armament of both nations be limited on each side to one vessel of 100 tons burden, armed with a single 18-pound cannon, on Lake Ontario and to two, similarly armed, on the upper lakes. This proposition was accepted by the British Government, and in 1817 an agreement was effected by an exchange of diplomatic notes which later assumed the force of a formal treaty.

This agreement has continued in force without modification up to the present time, but during the period of near a century of its existence extraordinary conditions in both the neighboring countries have made necessary some temporary changes in the terms of limitation. In 1836 to 1841 Canada was threatened with revolutionary disturbance, which led its authorities to equip vessels in excess of the limitation to suppress the rebellion; but when the danger was passed the vessels were put out of the service, and the Government of the United States, recognizing the exceptional conditions entered no serious objection to the action of the Canadian authorities.

During the Civil War in the United States from 1861-1865 certain persons from the Southern States sought to set on foot in and from Canadian territory hostile operations on the Great Lakes, and the Government of the United States armed a number of vessels to suppress these movements. About the close of the war the Secretary of State of the United States gave notice to Great Britain of the intention of the American Government to terminate, within the six months stipulated, the agreement for limitation of armament on the Great Lakes. But before the period fixed the Civil War came to an end, the notice of termination was recalled, and the agreement of 1817 continued in force.

It should be noted that the wars here referred to were domestic, not foreign wars.

Since the negotiation of the agreement almost one hundred years ago the situation on the Great Lakes has greatly changed. In 1817 they were almost entirely surrounded by a wilderness and very sparsely inhabited. To-day on their shores are great cities and a teeming and thriving population, and on their waters there moves an enormous com-



merce. This condition has made it necessary to increase the size and number of the vessels used to protect the revenue, but the two Governments have agreed that such enlargement shall not be regarded as an infringement of the limitation of naval armament, which continues to be carefully guarded.

The Rush-Bagot compact is not the project of a dreamer; its possibility was foreseen by a hard-headed and shrewd man of business, Benjamin Franklin; it was negotiated by men of affairs of two countries not ordinarily termed impractical; it keeps the peace without a gun and without a soldier between more than a hundred millions of people along an unfortified boundary little less than four thousand miles.

What two have done, others may do; and it is believed that the publication and wide circulation of the report on the Rush-Bagot treaty, prepared in 1892, by the Honorable John W. Foster, then Secretary of State, will be peculiarly timely when the best thought of mankind is turned toward a modification of European conditions at the conclusion of the present wars, which will relieve its peoples from the burdens and consequences of excessive armament.

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
*October 2, 1914.*





## LIMITATION OF ARMAMENT ON THE GREAT LAKES

REPORT OF THE HONORABLE JOHN W. FOSTER, SECRETARY OF STATE,  
IN RESPONSE TO SENATE RESOLUTION OF APRIL 11, 1892, RELATIVE  
TO THE AGREEMENT BETWEEN THE UNITED STATES AND GREAT  
BRITAIN CONCERNING THE NAVAL FORCES TO BE MAINTAINED ON  
THE GREAT LAKES.<sup>1</sup>

To the PRESIDENT:

The Secretary of State, to whom was communicated a resolution adopted on the 11th of April, 1892, by the Senate of the United States, in the following words:

*Resolved*, That the Secretary of State be, and he is hereby, directed to inform the Senate whether the agreement entered into between the United States and Great Britain in the year eighteen hundred and seventeen, covering the question of the naval force to be maintained by the two Governments on the Great Lakes of the United States, is now held to be in force by the Department of State, and what, if any, action has been taken by our Government to revive or put in force the terms of said agreement, and if so, under what authority or action on the part of our Government such agreement has been held to be in force since the giving of the required formal notice by the President to Great Britain in December, eighteen hundred and sixty-four, of a desire on the part of the United States to annul said agreement at the expiration of the six months from the date of said formal notice, and the ratification of said notice by the act of Congress of February ninth, eighteen hundred and sixty-five,

has the honor to submit to the President a report in response to said resolution, in order that it may be laid before the Senate, should the President deem it not incompatible with public interests so to do.

A statement of the circumstances preceding and attending the negotiation of the agreement of April 28-29, 1817,<sup>2</sup> seems proper to the fuller understanding of the questions presented:

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<sup>1</sup>Transmitted to the Senate, Dec. 7, 1892, by President Harrison, and printed in Sen. Ex. Doc. No. 9, 52d Cong., 2d sess.

<sup>2</sup>See Appendix, p. 54.

## I

After the restoration of peace between the United States and Great Britain by the treaty of Ghent, in 1814, several dangerous sources of disagreement between the two countries were found to exist in the restless and even hostile spirit of the Indians on the frontier, in the unneighborly conduct of the British officers in Canada, in the impressment of seamen, in commercial intercourse, in the enjoyment of common rights of fishery on the Nova Scotian and Newfoundland coasts, and in the maintenance by Great Britain of an excessive armament on the Great Lakes. All of these matters were the occasion of frequent instructions by Mr. Monroe, then Secretary of State, to Mr. John Quincy Adams, minister to London, looking to their adjustment by conventional arrangements. The subjects being associated and discussed together, the references to the question of the armament on the lakes and its restriction in the common interest of the two countries are for the most part incidental to the general negotiation for the regulation of the rights of fishing, which had then assumed an overshadowing importance. The present report will aim to separate the discussion of the question of the naval armaments and exhibit it in connected sequence, so far as the records will permit.

The first reference to the matter appears to have been made during the summer of 1815, when Mr. Adams, under date of August 29, transmitted to the Department of State some British newspapers in which it was announced that His Majesty's cabinet had determined not only to maintain but to augment its armed naval force on the Great Lakes. Mr. Monroe thereupon proposed a mutual restriction of the naval force to be maintained on the lakes by both parties in an instruction addressed to Mr. Adams, dated November 16, 1815, as follows:

[Mr. Monroe to Mr. Adams, November 16, 1815.]

The information you give of orders having been issued by the British Government to increase its naval force on the lakes is confirmed by intelligence from that quarter of measures having been actually adopted for the purpose. It is evident, if each party augments its force there, with a view to obtain the ascendancy over the other, that vast expense will be incurred and the danger of collision augmented in like degree. The President is sincerely desirous to prevent an evil which it is presumed is equally to be deprecated by both Gov-



ernments. He therefore authorizes you to propose to the British Government such an arrangement respecting the naval force to be kept on the lakes by both Governments as will demonstrate their pacific policy and secure their peace. He is willing to confine it, on each side, to a certain moderate number of armed vessels, and the smaller the number the more agreeable to him; or to abstain altogether from an armed force beyond that used for revenue. You will bring this subject under the consideration of the British Government immediately after the receipt of this letter.

In a conference with Lord Castlereagh on January 25, 1816, Mr. Adams submitted the proposal and briefly mentioned having done so in a dispatch written to Mr. Monroe, January 31, 1816, in which he said:

[Mr. Adams to Mr. Monroe, January 31, 1816.]

With regard to the other topics embraced in the conference, I can only now state in a summary manner that I think the proposal for mutually disarming on the lakes of Canada, which I made conformably to your instructions, will not be accepted.

On the 8th of February, however, Mr. Adams wrote to Mr. Monroe more fully, reporting his presentation of the proposal and the views of Lord Castlereagh thereon, as follows:

[Mr. Adams to Mr. Monroe, February 8, 1816.]

By way of introduction to the proposals which I was instructed to make to this Government, in relation to the naval armaments on the Canadian lakes, I observed to Lord Castlereagh, at the conference with him on the 25th ultimo, that next to the subject of seamen and impressment the most dangerous source of disagreement between the two countries arose in Canada. It had occasioned much mutual ill will heretofore, and might give rise to great and frequent animosities hereafter, unless guarded against by the vigilance, firmness, and decidedly pacific dispositions of the two Governments; that there were continual tendencies to bad neighborhood and even to acts of hostility in that quarter, proceeding from three distinct causes, the Indians, the temper of the British local authorities, and the British armament on the lakes.

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But the most important circumstance was the increase of the British armaments upon the Canadian lakes since the peace. Such armaments on one side rendered similar and counter armaments on the other indispensable. Both Governments would thus be subjected to heavy, and, in time of peace, useless expenses; and every additional armament would create new and very dangerous

incitements to mutual irritation and acts of hostility. That the American Government, anxious above all for the preservation of peace, had authorized me to propose a reduction of the armaments upon the lakes on both sides. The extent of this reduction the President left at the pleasure of Great Britain, observing that the greater it would be the more it would conform to his preference, and that it would best of all suit the United States if the armaments should be confined to what is necessary for the protection of the revenue. Lord Castlereagh admitted that the proposal was perfectly fair, and assured me that so far as it manifested pacific and amicable dispositions it would meet with the sincerest reciprocal dispositions on the part of this Government. He inquired if it was meant to include in this proposition the destruction of the armed vessels already existing there. I answered that as it was not so expressed in my instructions; I did not understand them to include that; but if the principle should be acceptable to Great Britain, there would be ample time to consult the American Government with regard to details. The immediate agreement which I was directed to propose was that there should be no new armament on either side. He replied that, as to keeping a number of armed vessels parading about upon the lakes in time of peace, it would be ridiculous and absurd. There could be no motive for it, and everything beyond what should be necessary to guard against smuggling would be calculated only to produce mischief; that he would submit the proposal to the consideration of His Majesty's Government. But we were aware that Great Britain was on that point the weaker party, and therefore it was that she had proposed at the negotiation of Ghent that the whole of the lakes, including the shores, should belong to one party. In that case there would have been a large and wide natural separation between the two territories, and there would have been no necessity for armaments.

He expressed a strong predilection in favor of such broad natural boundaries, and appeared to consider the necessity for Great Britain to keep up considerable naval force on her side of the lakes as resulting from the objections made on the part of the United States to the expedient for preserving the future peace between the two countries proposed by Great Britain upon that occasion. He said that just before the conclusion of the peace Great Britain had been under the necessity of making extraordinary exertions and to build a number of new vessels upon the lakes to enable her to maintain her footing there; and when I remarked that this was not what had drawn the animadversion of the American Government, but the new armaments—vessels of war begun and built since the peace—he replied that we had so much the advantage over them there by our position that a mutual stipulation against arming, during the peace, would be unequal and disadvantageous in its operation to Great Britain. For as the hands of both parties would, by such an engagement, be tied until war should have commenced, the Americans by their proximity would be able to prepare armaments for attacks much sooner than those of the British could be prepared for defense. I urged that as at all events the state of the armaments during peace, on one side, must be the measure of those on the



other, this advantage of proximity must be nearly the same whether they are great or small; that the agreement to forbear arming in time of peace would rather diminish than add to it, and that a war could not break out, on the part of the United States, suddenly or without such a previous state of the relations between the two nations as would give the British Government warning to be prepared for the event and to take such measures as might enable them to arm on the lakes when the war commenced quite as rapidly and effectually as the United States could do on their side. But although Lord Castlereagh promised to submit the proposal to the cabinet, his own disinclination to accede to it was so strongly marked that I can not flatter myself it will be accepted. The utmost that they may be induced to consent to may be an arrangement to limit the force which either party shall keep in actual service upon the lakes.

With his dispatch No. 36 of March 22, 1816, Mr. Adams sent a copy of a note addressed by him, under date of March 21, to Lord Castlereagh concerning several pending questions, and said: "I have repeated the proposal for disarming on the lakes, but without hopes of success." In that note to the British secretary of foreign affairs Mr. Adams said:

[Mr. Adams to Viscount Castlereagh, March 21, 1816.]

On this occasion the undersigned begs leave to remind Lord Castlereagh of the proposition which, by instruction from the American Government, he had the honor of making to his lordship on the 25th of January last, relative to naval armaments upon the North American lakes. It is the sincere wish and, so far as depends upon them, the determined intention of the American Government, that the peace so happily restored between the two countries should be cemented by every suitable measure of conciliation and by that mutual reliance upon good faith far better adapted to the maintenance of national harmony than the jealous and exasperating defiance of complete armor. The undersigned mentioned to his lordship the incident of an American merchant vessel having been fired upon by a British armed vessel upon Lake Erie. The increase of naval armaments on one side upon the lakes, during peace, will necessitate the like increase on the other, and besides causing an aggravation of useless expense to both parties must operate as a continual stimulus of suspicion and of ill will upon the inhabitants and local authorities of the borders against those of their neighbors. The moral and political tendency of such a system must be to war and not to peace. The American Government proposes mutually to reduce, to the same extent, all naval armaments upon those lakes. The degree to which they shall be reduced is left at the option of Great Britain. The greater the reduction, the more acceptable it will be to the President of the United States; and most acceptable of all, should it be agreed to maintain, on either side, during the peace, no other force than such as may be necessary for the collection of the revenue.

In submitting again this proposal to the consideration of His Majesty's Government the undersigned will not merely ask for a return to that frank and unsuspecting confidence in which it originated and of which it is the proof. If it be fitting that the maxims of a more guarded and cautious policy should also be called to share in the deliberation he will request Lord Castlereagh to bear in mind that the whole military peace establishment of the United States scarcely equals the number of troops intended to be maintained by Great Britain in the colonies of Nova Scotia and Canada alone, and that no act of offensive hostility against any foreign nation can be authorized by the Executive of the United States without the sanction of a previous act of Congress, in whom alone is vested by the Constitution the power of declaring war. With these securities against the possibility of a sudden or unforeseen attack from the United States upon the British North American colonies, added to those which Great Britain must derive from the great superiority of the British power upon the ocean, and from the removal of all the real and even of the principal of the apprehended causes of the late unhappy contest between the two nations, the undersigned may confidently hope that this proposal mutually and equally to disarm upon the American lakes will be received and entertained in the same spirit in which it was made, as a pledge of intentions sincerely friendly and earnestly bent upon the permanent preservation of peace.

Nine days later Mr. Adams, under date of March 30, 1816, wrote to Mr. Monroe as follows:

[Mr. Adams to Mr. Monroe, March 30, 1816.]

Lord Castlereagh has not yet replied to any other of my late notes. You may, however, consider it as certain that the proposal to disarm upon the lakes will not be accepted. In all the late debates in Parliament upon what they *call* their Military and Naval *Peace* Establishment the prospect of a new war with the United States has been distinctly held up by the ministers and admitted by the opposition as a solid reason for enormous and unparalleled expenditure and preparation in Canada and Nova Scotia. We hear nothing now about the five fir frigates and the bits of striped bunting. The strain is in a higher mood. Lord Castlereagh talks of the great and growing military power of the United States. The Marquis of Lansdowne, an opposition leader and one of the loudest trumpeters for retrenchment and economy, still commends the ministers for having been *beaten* into the policy of having a naval superiority upon the lakes. And one of the lords of the admiralty told the House of Commons last Monday that bumboat expeditions and pinchbeck administrations would no longer do for Canada; that Englishmen must lay their account for fighting battles in fleets of three-deckers on the North American lakes. All this is upon the principle of preserving peace by being prepared for war. But it shows to demonstration what will be the fate of the proposal for disarming.



In those days of slow communication between the two countries by monthly sailing packets, two months often passed before a dispatch or instruction reached its destination. Mr. Adams's dispatch of March 22, 1816, was thus acknowledged and his note of the 21st of that month to Lord Castlereagh approved by Mr. Monroe on the 21st of May following:

[Mr. Monroe to Mr. Adams, May 21, 1816.]

It is hoped that your proposition respecting the naval force to be retained on the lakes will be more successful than you had reason to expect from the remarks of Lord Castlereagh in your conference with him and his omission to answer your note on the subject at the date of your last letter to me. The proposition, in the manner and extent, was in strict conformity with the views of the President. He would, however, be satisfied to prevent the augmentation of the force, leaving it on both sides in the present state, and when it is considered that Great Britain has the ascendancy on Lake Ontario, which bears more immediately on Canada, and that the United States have it on Erie and Huron, which is important only in relation to the savages within our limits, it is not perceived on what ground it can be refused.

Mr. Monroe's anticipation of a favorable result despite Mr. Adams's forebodings of failure was speedily confirmed, and indeed, even while he was thus expressing his hopes of a better disposition on the part of the British Government, a dispatch from Mr. Adams was already on its way across the ocean, reporting Lord Castlereagh's acceptance of the proposition in principle. Under date of April 15, 1816, Mr. Adams wrote:

[Mr. Adams to Mr. Monroe, April 15, 1816.]

At the request of Lord Castlereagh I called upon him last Tuesday, when he informed me that the British Government were prepared to make an arrangement on the questions relating to the fisheries and to meet that of the Government of the United States relative to naval armaments, on the North American lakes, so far as to avoid everything like a contention between the two parties which should have the strongest force there. He asked me if I considered my power adequate and if I had instructions that would authorize me now to conclude an agreement upon these points. I told him that I did not consider my power as extending to the first and should not feel myself warranted in concluding an article upon the second without further instructions.

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With regard to the force upon the lakes, he said excepting the vessels which

might be necessary to convey troops occasionally from station to station, the British Government did not wish to have any ships in commission or in active service; and all the armed vessels now existing there might be laid up, as it was called here, in ordinary. I said that understanding it as now agreed that no new or additional force should be commenced upon the lakes on either side for the present, and all the effects of a positive engagement as existing from this time, there would be ample time for the concerting of an express article which might be satisfactory to both Governments, and in many respects it might be most convenient that this should be concluded at Washington. I therefore readily assented to his suggestion and wished that a power and instructions should be sent out to Mr. Bagot upon both the points, which I trust will immediately be done.

Lord Castlereagh appears to have acted promptly upon Mr. Adams's suggestion, and the necessary authority and instructions were forwarded to the British minister at Washington, the Right Honorable Charles Bagot, who had previously presented his credentials to the President on March 21, 1816. Conferences seem to have followed between Mr. Bagot and the Secretary of State in regard to the several pending questions, and particularly that of the lake armaments. On July 8, 1816, Mr. Monroe wrote to Mr. Adams:

[Mr. Monroe to Mr. Adams, July 8, 1816.]

Mr. Bagot has received a power to arrange the difference respecting the taking and curing and drying fish on the shores of the British colonies, but whether it authorizes such an arrangement as will be useful and satisfactory to us I am as yet uninformed. He has also a power to regulate the naval force to be maintained on the lakes on each side, the nature and extent of which I have also yet to learn. This power to Mr. Bagot will diminish as to these objects the authority which has been sent to you. In every other respect your power will remain in full force and, we hope, produce the salutary effect contemplated by it.

The "power" thus referred to was dated May 21, 1816, and differed from the formal type of a full power in being addressed to Mr. Adams himself, not to the representatives of the Government with which he was to negotiate. It did not in terms contemplate any arrangement for the restriction or disarmament of the respective naval forces on the lakes, but generally authorized him to negotiate a special convention for the commerce between the United States and the British Colonies in North America and the West Indies, and also to adopt such regula-



tions with respect to seamen and for other purposes as may be calculated to promote the advantage of both nations. So far as related to the question of the armaments to be maintained on the lakes, Mr. Adams' connection with the matter thereupon ceased.

Mr. Bagot's powers would seem to have been express, although no record of their terms is found. He speedily opened the negotiation thus transferred to Washington by addressing to Mr. Monroe the following note, dated July 26, 1816:

[Mr. Bagot to Mr. Monroe, July 26, 1816.]

Mr. Adams having intimated to his Majesty's Government that it was the wish of the Government of the United States that some understanding should be had or agreement entered into between the two countries in regard to their naval armaments upon the lakes, which, while it tended to diminish the expenses of each country, might diminish also the chances of collision and prevent any feelings of jealousy, I have the honor to acquaint you that I have received Lord Castlereagh's instructions to assure you that His Royal Highness the Prince Regent will cheerfully adopt, in the spirit of Mr. Adams's suggestion, any reasonable system which may contribute to the attainment of objects so desirable to both States. Mr. Adams not having entered into any detailed explanation of the precise views of his Government for giving effect to the principle which he had offered for consideration, the British Government is unacquainted with the particular arrangements which the Government of the United States would propose to make for this purpose, but I have been instructed to assure you of the general disposition of His Royal Highness the Prince Regent to listen with satisfaction to any proposal which may secure such ends, and of his readiness to act in a spirit of the most entire confidence upon the principle which has been suggested by Mr. Adams.

Mr. Monroe replied to Mr. Bagot, fully setting forth the views and desires of the Government of the United States, his note being dated August 2, 1816, as follows:

[Mr. Monroe to Mr. Bagot, August 2, 1816.]

I have had the honor to receive your letter of the 26th of July, by which you inform me that Mr. Adams had intimated to your Government the desire of the President to arrange by compact the naval force which should be retained on the lakes by both nations, with a view to lessen equally the expense of each and likewise to guard against collision, but that he had not explained in sufficient detail the proposal which he had been authorized to make to lead, at that time, to any practical result. You assure me that His Royal Highness the Prince Regent is well disposed to the object, and that in concert with this

Government he is willing to adopt such measures as may be deemed expedient to give it effect.

The President being satisfied that if each nation should maintain on the lakes a large naval force it would expose both to considerable and useless expense, while it would multiply the risks of collision between them, instructed Mr. Adams, shortly after the peace, to make the proposal which you mention in the hope, from the amicable spirit in which it was conceived and the advantage which it was believed both parties would derive from it, that it might be carried into immediate effect. It is very satisfactory to the President to find that your Government approves the principle on which the proposal is founded and that His Royal Highness the Prince Regent is willing to act on it.

I infer from your letter that you are desirous of obtaining a precise project, either for the purpose of acting on it here immediately, in conformity with the powers already given you, or of transmitting it to your Government for its consideration. Whether it be for the one or the other purpose, I am instructed to afford all the facility that I may be able; though it would undoubtedly be more agreeable to the President that the arrangement should be made and executed with the least delay possible.

I have the honor now to state that the President is willing, in the spirit of the peace which so happily exists between the two nations and until the proposed arrangement shall be canceled in the manner hereinafter suggested, to confine the naval force to be maintained on the lakes on each side to the following vessels, that is: On Lake Ontario to one vessel not exceeding 100 tons burthen and one 18-pound cannon, and on the Upper Lakes to two vessels of like burthen and force, and on the waters of Lake Champlain to one vessel not exceeding the like burthen and force; and that all other armed vessels on those lakes shall be forthwith dismantled, and likewise that neither party shall build or arm any other vessel on the shores of those lakes.

That the naval force thus retained by each party on the lakes shall be restricted in its duty to the protection of its revenue laws, the transportation of troops and goods, and to such other services as will in no respect interfere with the armed vessels of the other party.

That should either of the parties be of opinion hereafter that this arrangement did not accomplish the object intended by it, and be desirous of annulling it, and give notice thereof, it shall be void and of no effect after the expiration of — months from the date of such notice.

If this project corresponds with the views of your Government and you are authorized to accede to it under any modifications which you may propose and in which we can agree, I am instructed to give it immediate effect, either by convention, the interchange of notes, or in any form which may be thought best adapted to the ends proposed. If, on the other hand, you consider it your duty to submit this project to your Government for consideration and to await its sanction before you can adopt it, and have power to make, *ad interim*, any provisional reciprocal arrangement having the same objects in view, I shall be happy to digest with you such provisional arrangement and to carry it recip-



roccally into effect for such time and in such manner as may be agreed on; or should your power be adequate, I am ready to concur in an immediate suspension of any further construction or equipments of armed vessels for any of the waters above named.

To this proposal and inquiry Mr. Bagot replied on August 6, 1816, announcing his inability, under his instructions, to come to an immediate agreement. He said:

[Mr. Bagot to Mr. Monroe, August 6, 1816.]

The general coincidence of sentiment which exists between our Governments in regard to entering into some arrangement upon this subject gives reason to hope that the several parts of it will become matter of easy adjustment; but as, in the consideration of any precise proposition to this effect, reference must necessarily be had to various points connected with the internal administration of His Majesty's provinces and to the naval assistance which the ordinary business of a peace establishment may require, I am not authorized to conclude definitely any agreement as to details without previously submitting it to my Government.

I shall therefore immediately forward for consideration the proposal contained in your letter; but I shall, in the meantime, willingly take upon myself to give effect to any arrangement upon which we may eventually agree for the purpose of suspending the further construction and equipment of armed vessels upon the lakes and of generally abstaining from exertion in those quarters.

Besides this correspondence it would seem that Mr. Monroe and Mr. Bagot held several conferences on the subject, for, under date of August 13, 1816, Mr. Monroe wrote an instruction to Mr. Adams at London, in which he said:

[Mr. Monroe to Mr. Adams, August 13, 1816.]

In consequence of instructions to Mr. Bagot, I have had several communications with him relative to the naval force to be retained on the lakes by each power, and also respecting the right of curing and drying fish on the shores of the British Provinces, northward of the United States, without having concluded a definite arrangement on either subject.

On the first, it appeared that Mr. Bagot's power was limited to a right to agree to suspend the further augmentation of the naval force on those waters, without fixing its maximum by any rational standard to the number of vessels, for example, which would be necessary for the support of the revenue laws, and that he was bound to communicate to his Government any precise proposi-

tion which might be made to that effect, and to await its order respecting it. I made to him such a proposition, having in view the object mentioned, as well as the other important objects of economy and a desire to avoid irritation and collision. The affair terminated in an agreement on the point to which alone his power extended, and an understanding that he should transmit the specific proposition to his Government for consideration. On this point several notes have passed between us. \* \* \* It is probable that the arrangement of these two interests will again rest with you. The advantage of it, as you are already authorized to treat on other important subjects, is obvious.

The latest of the communications thus referred to is a note which on the previous day, August 12, Mr. Monroe had addressed to Mr. Bagot for the purpose of closing with his provisional plan for suspending the augmentation of the respective naval forces on the lakes, as follows:

[Mr. Monroe to Mr. Bagot, August 12, 1816.]

I have had the honor to receive your letter of the 6th of this month, by which you inform me that, although you have full confidence that an agreement will finally be entered into by our Governments to limit in a satisfactory manner the naval force to be maintained by them on the lakes, you consider it your duty to submit to your Government the project which I lately communicated to you to that effect and to await its orders before you can proceed to make a definitive arrangement on the subject. You intimate, however, that you are willing to give effect to any arrangement on which we may agree for suspending in the meantime the further construction and equipment of armed vessels on the lakes and for abstaining from further exertion there.

To this delay no objection is entertained, provided such a provisional arrangement is made as may accomplish the just objects which our Governments have in view. This arrangement, however, like the other, should be equal. In the same spirit, therefore, I now propose the regulations stated in my former note, to be adopted as a provisional arrangement. If your powers authorize, and you approve those regulations, on being assured that you will adopt a similar measure an order will be immediately issued by this Government for carrying them fully into effect.

If your powers do not extend to this object, but are confined exclusively to the suspension of the further augmentation of the naval force on the lakes, I have then to observe that on receiving from you a statement of the force which your Government now has on the lakes, with an assurance that its further augmentation shall be suspended, an order will be immediately issued by this Government for confining the naval force of the United States there strictly within the same limit. \* \* \*



Mr. Bagot replied the next day, August 13, 1816, practically closing the provisional arrangement to suspend the further increase of the forces on the lakes, by saying:

[Mr. Bagot to Mr. Monroe, August 13, 1816.]

For the same reasons which I have assigned in the letter which I had the honor to address to you on the 6th instant I conceive that I am not authorized to make, even provisionally, any precise agreement as to the exact manner in which the respective naval forces upon the lakes shall be limited, as in any such agreement, whether permanent or provisional, reference must equally be had to the arrangement of a peace establishment and the ordinary administration of His Majesty's provinces.

I am not in possession of a correct statement of His Majesty's naval force now in commission upon the lakes, but I will take the earliest means of procuring and communicating to you the most accurate information upon this point; and *I can in the meantime give you the assurance that all further augmentation of it will be immediately suspended.*

Two points are to be borne in mind in examining the preceding correspondence, that Mr. Bagot's powers, while explicit as to the subjects of negotiation, do not appear to have authorized him to conclude any formal convention as to either the agreement to mutually limit the naval forces on the lakes or the pending questions in regard to the Newfoundland fisheries; and that as to the latter question Mr. Monroe's negotiations with Mr. Bagot did not result in any conventional agreement, the treaty of October 20, 1818, having been in the end negotiated and signed at London by Mr. Gallatin and Mr. Rush on behalf of the United States and Mr. Robinson and Mr. Goulburn on behalf of Great Britain as special plenipotentiaries. As has been said, no record is found in the Department of State of the text of Mr. Bagot's or Mr. Monroe's powers to negotiate on either of the subjects they considered; but the internal evidence of the correspondence exchanged, as well as the shape eventually taken by the agreement to restrict the respective armaments on the lakes, indicates that the powers of the negotiators in this regard did not go beyond a simple agreement or arrangement to that end and stopped short of authority to conclude a formal treaty.

The matter rested in abeyance until the following November, probably owing to Mr. Bagot having sought from the home Government, and not from the British authorities in the provinces, the promised

information in regard to the exact force then maintained by Great Britain on the lakes. Under date of November 4, 1816, Mr. Bagot wrote to Mr. Monroe:

[Mr. Bagot to Mr. Monroe, November 4, 1816.]

In conformity with the arrangement made between us in our correspondence of the 12th and 13th of August last, I have now the honor to inclose to you an account of the actual state of His Majesty's naval force upon the lakes and to acquaint you that its further augmentation is suspended until the sentiments of His Majesty's Government upon the project contained in your note of the 5th (2d) of August, and which I transmitted to Lord Castlereagh, are known.

The statement accompanying this note showed 28 vessels afloat on the lakes (including Lake Champlain), besides two 74-gun ships on the stocks on Lake Ontario, and the "keel, stem, and sternpost of a frigate laid down at the Isle aux Noix" on Lake Champlain. Of this formidable force 13 were "laid up in ordinary," 1 "condemned as unfit for service," 1 "hauled up in the mud and condemned likewise," 1 "used for current duties only and unfit for actual service," 1 "carrying no guns," and 1 used for transporting stores, leaving an effective armed force of 10 vessels, as follows:

On Lake Ontario: *Prince Regent*, 60 guns, in commission, but unequipped, being used merely as a barrack or receiving ship; *Montreal*, 6 guns, in commission as a transport on Lake Erie; *Tecumseh*, 4 guns; *Newark*, 4 guns; *Huron*, 1 gun; *Sauk*, 1 gun. Used principally as transports.

On Lake Huron: *Confiance*, 1 gun; *Surprise*, 1 gun. Used for purposes of transport only.

On Lake Champlain: A gunboat, 4 guns; a gunboat, 3 guns. Used as guard boats.

On November 7, 1816, Mr. Monroe replied accepting Mr. Bagot's communication as in conformity to one of the propositions theretofore made on behalf of the United States, and adding:

[Mr. Monroe to Mr. Bagot, November 7, 1816.]

I have now the honor to inclose to you an account of the actual state of the naval force of the United States on the lakes, and to assure you that orders will be immediately given by this Government to prevent any augmentation of it beyond the limit of the British naval force on those waters.



The counter-statement of the actual force of the United States on the lakes is not yet found on record in the Department of State.

Here again the matter rested for a time, not however to Mr. Monroe's satisfaction, for, under date of November 14, 1816, he wrote to Mr. Adams:

[Mr. Monroe to Mr. Adams, November 14, 1816.]

The transfer of the negotiation from London to this city for the regulation of the naval force on the lakes on each side, and the limited powers that were given to Mr. Bagot, had much the appearance that the object was to amuse us rather than to adopt any effectual measure for that purpose. The supply in the interim of Canada with a vast amount of cannon and munition of war is a circumstance which has not escaped attention.

Mr. Monroe's proposition of August 2, 1816, for a specific and equal limitation of the respective naval forces on the lakes did not take definite shape until the spring of the ensuing year, when a formal agreement was entered into by means of the diplomatic device known as an exchange of notes, on the 28th and 29th of April, 1817. The notes so exchanged read as follows:

WASHINGTON, *April 28, 1817.*

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to acquaint Mr. Rush that, having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the undersigned upon the subject of a proposal to reduce the naval force of the respective countries upon the American lakes, he has received the commands of His Royal Highness the Prince Regent to acquaint the Government of the United States that His Royal Highness is willing to accede to the proposition made to the undersigned by the Secretary of the Department of State in his note of the 2d of August last.

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees that the naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—

On Lake Ontario to one vessel not exceeding 100 tons burden and armed with one 18-pound cannon.

On the upper lakes to two vessels not exceeding like burden each and armed with like force.

On the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And His Royal Highness agrees that all other armed vessels on these lakes

shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. His Royal Highness further agrees that if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government that His Royal Highness has issued orders to His Majesty's officers on the lakes directing that the naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

Th undersigned has the honor to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT.

DEPARTMENT OF STATE, *April 29, 1817.*

The undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannic Majesty the correspondence which passed between the Secretary of State and himself upon the subject of a proposal to reduce the naval force of the two countries upon the American lakes, he has received the commands of His Royal Highness the Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the second of August last.

The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note, the undersigned, by direction of the President, has the honor to state that this Government, cherishing the same sentiments expressed in the note of the second of August, agrees that the naval force to be maintained upon the lakes by the United States and Great Britain, shall, henceforth, be confined to the following vessels on each side, that is—

On Lake Ontario to one vessel not exceeding 100 tons burden, and armed with one 18-pound cannon. On the upper lakes to two vessels not exceeding the like burden each, and armed with like force, and on the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And it agrees that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. And it further agrees that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned is also directed by the President to state that proper orders will be forthwith issued by this Government to restrict the naval force thus



limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

The arrangement thus effected seems not to have suggested at the time any doubts as to its regularity or sufficiency, or as to the entire competence of the executive branch of the Government to enter into it and carry out its terms. Mr. Rush, on April 30, 1817, sent to Mr. Crowninshield, the Secretary of the Navy, a copy of his note of the preceding day to Mr. Bagot, which he describes as "a stipulation which has been entered into with the British Government relative to the reduction of the naval force upon the lakes," and, in conformity with the President's desire, requested the issuance by the Navy Department of "such orders as may be necessary for giving all the contemplated effect to the stipulation in question." This was promptly done, and on the 2d of May the Secretary of the Navy instructed the several naval commanders on Lake Erie and the upper lakes, Lake Ontario and Lake Champlain, to confine the force in actual or occasional service within the limits defined in the arrangement. Under these orders, the schooner *Lady of the Lake*, 89 tons, was assigned to Lake Ontario; the smaller schooners *Porcupine* and *Ghent* to the upper lakes, and the galley *Allen* to Lake Champlain.

It was not until nearly a year later that any uncertainty appears to have arisen as to the character of the arrangement, suggesting that it might in fact so far partake of the nature of a foreign treaty as to call for the advice and consent of the Senate. The occasion of this suggestion is not disclosed by an examination of the correspondence on file in the Department of State, nor is any reference to the subject found in the Journals of Congress for that session. Out of abundant caution, in view of his constitutional relations to the Senate in regard to matters of foreign intercourse, President Monroe communicated to that body on April 6, 1818, the correspondence exchanged on the subject of the naval armaments on the lakes, with the following message:

*To the Senate of the United States:*

An arrangement having been made and concluded between this Government and that of Great Britain with respect to the naval armament of the two

Governments, respectively, on the lakes, I lay before the Senate a copy of the correspondence upon that subject, including the stipulations mutually agreed upon by the two parties. I submit it to the consideration of the Senate whether this is such an arrangement as the Executive is competent to enter into by the powers vested in it by the Constitution, or is such a one as requires the advice and consent of the Senate, and, in the latter case, for their advice and consent, should it be approved.

JAMES MONROE.

APRIL 6, 1818.

This message, with an accompanying selection of the correspondence on the subject is printed in the folio collection of American State Papers, Vol. IV, p. 202, *et seq.*, as Document No. 301, Fifteenth Congress, first session.

Upon being received, in executive session, on April 6, 1818, the message and documents were read and referred to the Committee on Foreign Relations to consider and report thereon. On April 13, Mr. Barbour, from that committee, reported a favorable resolution as follows:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate do approve of, and consent to, the arrangement made in April, 1817, and contained in the President's message of the 6th of April, 1818, between the United States and His Britannic Majesty, relative to the naval force of the respective nations to be maintained on the lakes; and recommend that the same be carried into effect by the President of the United States.

It was read a second time and considered as in Committee of the Whole and, no amendments having been proposed, it was reported and ordered to a third reading on the ensuing Thursday, the 16th of April, when it was agreed to by the unanimous affirmative vote of thirty Senators. It was further ordered that the Secretary of the Senate "lay the foregoing resolution before the President of the United States."

Following the usual routine in such cases, the arrangement was ratified and proclaimed by the President on April 28, 1818, the specific stipulations of the agreement being extracted from the correspondence exchanged between Mr. Rush and Mr. Bagot the year before, and embodied in the text of the proclamation, as follows:



## BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas an arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—

"On Lake Ontario to one vessel not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

"On the upper lakes to two vessels not exceeding like burden each, and armed with like force.

"On the waters of Lake Champlain to one vessel not exceeding like burden, and armed with like force.

"All other armed vessels on those lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such service as will in no respect interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States have approved of the said arrangement and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty;

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State*.

This proclamation was not published in the collection of Statutes at Large until some forty years later, when it appeared in company with a number of similarly belated proclamations. (Statutes, XI, 766.)

Although the proclamation recites that the arrangement, in addition to the approval of the Senate, had "also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty," no record is found of any communication of such ratifying sanction to the Government of the United States, or any declaration other than that contained in Mr. Bagot's note to Mr. Rush of April 18, 1818. No trace of any confirmatory order in council is found in the British printed collections, and no evidence exists that the arrangement received on the part of Great Britain the formalities usually accorded to a treaty. The only publication of it in the British and Foreign State Papers is on pp. 1200-1201, Vol. 5, 1817-18, where the President's proclamation is textually reproduced. The proclamation does not appear even to have been officially communicated to the British minister, Mr. Bagot, by the Secretary of State.

It seems evident, therefore, that at no time during the negotiations or at its completion did the arrangement in question take the shape of a formal international treaty. As between the United States and Great Britain it never passed beyond the stage of an agreement by exchange of notes, to which each party proceeded to give effect in the manner permitted or prescribed in its own domestic sphere of action. The procedure of the Senate in advising and consenting to it, and of the President in proclaiming it, was wholly municipal. No exchange of ratifications took place. The agreement became effective, by means of executive orders on each side, from the date of the original exchange of notes.

It may be proper here to observe that the resort of an exchange of diplomatic notes has often sufficed, without any further formality of ratification or exchange of ratifications, or even of proclamation, to effect purposes more usually accomplished by the more complex machinery of treaties. A striking proof of this is found in the relations between the United States and Great Britain. On December 9, 1850, in a conference held at the foreign office in London between the United States minister, Abbott Lawrence, and Lord Palmerston, it was agreed that the Canadian territory of Horse-shoe Reef, in the Niagara River, should be ceded to the United States for the purpose of erecting a light-house thereon. A memorandum, or protocol, of this agreement was drawn up and signed by Mr. Lawrence and Lord



Palmerston. On receipt of this protocol, Mr. Webster, January 17, 1851, instructed Mr. Lawrence to "address a note to the British secretary of state for foreign affairs, acquainting him that the arrangement referred to is approved by this Government." Mr. Lawrence did so on the 10th of February, 1851, and the acknowledgment of his note by the British secretary of state closed the transaction. No ratification occurred on either side. Congress appropriated money for the erection of a light-house, which was built; and the United States thus possesses and exercises full jurisdiction over territory acquired by cession from a foreign power without a treaty.

Another instance occurred with Spain in 1871. Negotiations had been pending for more than a year at Madrid for the settlement of certain claims of citizens of the United States on account of wrongs and injuries committed by the authorities of Spain in the island of Cuba. An understanding as to the basis of settlement having been reached by successive steps in conference and by correspondence, General Sickles, on February 11, 1871, addressed to the Spanish minister of state, Don Cristino Martos, a note formulating his understanding of the agreement. Señor Martos replied, February 12, 1871, by simply acknowledging receipt of General Sickles' statement, and adding, "I take pleasure in informing you that I entirely concur in the contracts of the said memorandum." No treaty, or protocol even, was signed by the empowered representatives, and no exchange of ratification or proclamation took place. The settlement was reported to Congress for its information, appropriations were voted to carry on the arbitration, an international commission was organized, and after nearly twelve years of labor, during which 140 cases were examined, awards against Spain were made to the amount of \$1,293,450.55 and duly paid to the United States, all this being accomplished by a mere exchange of notes.

In the two instances thus cited the arrangements entered into were not self-executing within the normal functions of the executive branch of the Government, but required legislation and appropriation by Congress to carry them into effect, as, indeed, they would have required had the engagements taken the form of a treaty, ratified on both sides and duly exchanged and proclaimed on both sides. The arrangement of 1817 for the mutual reduction and restriction of the respective armed naval forces on the Great Lakes was self-executory, requiring

neither legislation nor appropriation at the time to render it effective on the part of either the United States or Great Britain. As has been seen, the executive orders of the Secretary of the Navy sufficed for full compliance with its terms for a year after its adoption. The existing legislation gave to the Secretary of the Navy ample discretion as to the force to be employed on the lakes. The appropriations for the maintenance of such force were general in their terms. By the act of June 12, 1798, there was appropriated "For the construction and repair of certain vessels on the lakes, in the service of Government, and the pay and subsistence of the officers and crews of the same, sixteen thousand seven hundred dollars." (Statutes, I, 564.) By the act of March 3, 1813, supplementary to the act for increasing the Navy, in view of pending hostilities with Great Britain, the President was "authorized to have built, or procured, such a number of sloops of war or other armed vessels, to be manned, equipped, and commissioned, as the public service may require, on the lakes." (Statutes, II, 821.) By the additional appropriation act of April 18, 1814, it was enacted "That the sum of six hundred and twenty-five thousand dollars be, and the same is hereby, appropriated for the purpose of defraying the expenses which have been or may be incurred in building and equipping vessels of war on Lakes Ontario and Champlain," to be paid out of certain designated or available appropriations. (Statutes, III, 139.)

Immediately upon the exchange and proclamation of the treaty of Ghent, by which peace was restored, it was provided, by the act of February 27, 1815, "That the President of the United States be, and he hereby is, authorized to cause all the armed vessels thereof on the lakes, except such as he may deem necessary to enforce the proper execution of the revenue laws, to be sold or laid up, as he may judge most conducive to the public interest; such vessels being first divested of their armament, tackle, and furniture, which are to be carefully preserved." (Statutes, III, 217.) At the time, therefore, of the arrangement of 1817 the force to be maintained by the United States upon the lakes was discretionary with the Executive. Nor was this discretion impaired by succeeding legislation. A still further reduction of the lake force was permitted by the act of March 3, 1825, which authorized the President "to cause to be sold, at such time and in such manner as he shall judge best for the public interest, \* \* \* the



whole of the public vessels upon Lakes Erie, Ontario, and Champlain, except the ships of the line, *New Orleans* and *Chippewa*, now on the stocks, under cover, at Sackett's Harbor." (Statutes, IV, 131.)

The earliest legislation in any way confirmatory or recognitory of the arrangement of 1817 is found in the act of September 9, 1841, which appropriated "For the construction or armament of such armed steamers or other vessels for defense on the northwestern lakes as the President may think proper and as may be authorized by the existing stipulations between this and the British Government, one hundred thousand dollars." (Statutes, V, 460.) It thus appears that during the first fifty years of national legislation the number, character, and distribution of the naval vessels of the United States on the Great Lakes and Lake Champlain was left by Congress to the discretion of the President, within the limits of appropriations actually made.

A similar discretion appears to have been exercised by the British Government. No exact statement of the assignment of British naval vessels for service on the lakes is found of record other than the list communicated by Mr. Bagot to Mr. Rush, November 4, 1816, which, as a maximum of force, considerably exceeded the subsequent assignment of the United States war vessels by the Secretary of the Navy after the conclusion of the arrangement of 1817. It would seem that the respective naval forces on the lakes remained in substantial equilibrium for many years thereafter. At any rate it is unlikely that the force of the United States should have been allowed to degenerate, even to the extent of almost complete disappearance, under the authority of the act of March 3, 1825, above quoted, if the British force had not kept pace with it in decline. Indeed, as will hereafter be seen, an officer so well qualified as General Brady, by reason of his important command on the northwestern frontier, did not know, in 1840, that any understanding whatsoever existed between the United States and Great Britain regulating their respective naval forces on the lakes.

## II

In 1838 attention was particularly drawn to the subject of the lake armaments by the occurrence of disturbances in Canada and the apprehension of organized hostilities against the authority of the Crown on the part of the so-called "Canadian Patriots." Alarmed at their

strength, and desirous of taking more effective steps to protect the long and exposed lake frontiers of Canada from attack, the British Government began to increase its naval force on the lakes. Prior to 1838 no British armed vessel had been maintained above Detroit during many years, while the force on Lakes Erie and Ontario was small and inadequate to cope with the apprehended danger.

In the month of January, 1838, a considerable number of the "Canadian Patriots" gained possession of Navy Island (belonging to Canada), in the Niagara River, whence to make a descent upon the opposite Canadian shore. The British authorities hired two or three lake schooners and armed and manned them for the purpose of frustrating the threatened invasion. These vessels do not appear to have emerged from the river into Lake Erie as cruisers while so armed and manned, but to have been discharged as soon as that particular danger had passed away. Later, in the summer and autumn of 1838, the authorities in Upper Canada employed one or more armed steamers, hired for the purpose and manned with a certain number of troops, to cruise on Lake Erie against apprehended incursions from the United States shores by the "Patriots." And after the burning of the British merchant steamer *Sir Robert Peel*, on the St. Lawrence, in 1838, and up to the close of navigation in that year, the Canadian authorities employed several hired steamers, besides barges, all armed and manned, cruising against parties of the "Canadian Patriots," principally on the St. Lawrence River, but, as would seem, at times emerging upon the Canadian waters of Lake Ontario. (Report of General Scott to the Secretary of War, March 23, 1840.)

In view of these defensive armaments being in excess of those permitted by the arrangement of 1817, Mr. Forsyth, then Secretary of State, in the latter part of 1838, invited the British minister, Mr. Fox, to a personal interview, and called his attention to the disregard by Her Majesty's colonial authorities of the conventional arrangement between the two countries as to the extent of their respective naval armaments upon the lakes. Subsequently Mr. Fox addressed to the Secretary of State the following note:

WASHINGTON, November 25, 1838.

SIR: I am informed by Her Majesty's authorities in Upper and Lower Canada that, in consequence of the unlawful and piratical acts of hostility to



which these provinces are at present exposed, it has been found necessary to equip under the British flag a more extensive naval armament upon the lakes and rivers which include the boundary line between the British and American possessions than either Government would be authorized to maintain according to the stipulations of the convention of 1817.

I certainly do not apprehend that any objection against this proceeding is likely to be raised on the part of the United States, but, in order to prevent the possibility of misapprehension in any quarter, I think it expedient to assure you that the armament is equipped for the sole purpose, as above expressed, of guarding Her Majesty's provinces against a manifest and acknowledged danger, and it will be discontinued at the earliest possible period after the causes which now create that danger cease to exist.

I have the honor to be, with great respect and consideration, sir, your most obedient and humble servant,

H. S. Fox.

This note does not appear to have been answered or even acknowledged by Mr. Forsyth. It is probable that, with the close of navigation in the St. Lawrence and the cessation during the winter of active operations by the "Canadian Patriots," the immediate necessity of formal action upon the British request, either by acquiescing in the proposed augmentation of the Canadian naval force on the lakes, or by denying it as incompatible with the existing stipulations, had passed. In fact, according to a report of General Scott, the season of 1839 was "a tranquil one," and he did not hear of a single armed British vessel on Lake Erie. (General Scott to the Secretary of War, March 23, 1840.)

This fact, coupled with the assurance given by Mr. Fox that the extraordinary armaments resorted to in 1838 would be discontinued at the earliest possible period after the causes which had created the danger should have ceased to exist, may explain Mr. Forsyth's silence, until the autumn of 1839, when he "made known, verbally, to Mr. Fox that, the causes assigned in his note no longer existing, the President expected that the British armament upon the lakes would be placed upon the footing prescribed by the convention. Mr. Fox engaged to communicate without delay to his Government the substance of the conversation between them; and expressed his own conviction that, if the winter then ensuing passed without renewed attempts to disturb the tranquillity of the Canadas, there could be no sufficient motive for either Government maintaining a force beyond that authorized by the

convention of 1817." (Report of Mr. Forsyth to the President, March 13, 1840.)

The movements set on foot by the "Canadian Patriots," who at times directed their operations from the territory of the United States or took refuge therein after defeat or when menaced by a superior force, had come to an end in 1839, and in his annual message to Congress, December 24, Mr. Van Buren stated that "there is every reason to believe that disturbances like those which lately agitated the neighboring British provinces will not again prove the sources of border contentions or interpose obstacles to the continuance of that good understanding which it is the mutual interest of Great Britain and the United States to preserve and maintain." He added:

On a review of the occurrences on both sides of the line it is satisfactory to reflect that in almost every complaint against our country the offense may be traced to emigrants from the provinces who have sought refuge here. In the few instances in which they were aided by citizens of the United States, the acts of these misguided men were not only in direct contravention of the laws and well-known wishes of their own Government, but met with the decided disapprobation of the people of the United States. I regret to state the appearance of a different spirit among Her Majesty's subjects in the Canadas. The sentiments of hostility to our people and institutions which have been so frequently expressed there, and the disregard of our rights which have been manifested on some occasions, have, I am sorry to say, been applauded and encouraged by the people and even by some of the local authorities of the provinces. The chief officers in Canada, fortunately, have not entertained the same feeling, and have probably prevented excesses that must have been fatal to the peace of the two countries.

Whether moved by the hostile spirit of resentment for past grievances, to which President Van Buren alludes, or by the lesson taught by the events of the past year and by the consciousness that the exposed and undefended condition of the Canadian lake and river frontier might invite renewed disturbance of public tranquillity by the "Canadian Patriots" and their adherents, it is certain that large military preparations took place in Canada during the spring of 1838 and far into 1839. Some 13,000 fresh troops were sent to Canada. Fort William Henry, at Kingston; Fort Wellington, opposite Ogdensburg; Fort Mississauga, nearly facing Fort Niagara; and the fortifications on the Canadian shores and at the approaches to the St. Clair River were strengthened



and extensive barracks erected at various points. In naval matters, too, activity was shown in the building of a Government steamer at Niagara City, in the purchase of two steamboats from citizens of Buffalo for service on Lake Erie, and in the building of a steamer on Lake Ontario. Rumors of other military preparations and of the building of other armed vessels on the lakes were rife, and the attitude of the British authorities in Canada seemed to menace the United States by a display of force much greater than any on the American side.

These conspicuous preparations naturally attracted considerable attention in the public mind and in Congress. Upon motion of Mr. Crary, on March 9, 1840, the House of Representatives—

*Resolved*, That the President of the United States be requested to communicate to this House, if compatible with the public service, whether the Government of Great Britain have expressed to the Government of the United States a desire to annul the arrangement entered into between the two Governments in the month of April, 1817, respecting the naval force to be maintained upon the American lakes; and that, if said arrangement be not annulled, whether there has been any violation of the same by the authorities of Great Britain.

A resolution introduced by Mr. Doty, calling for information as to "new military works being constructed and garrisoned with regular and militia troops by the English Government on that (Canadian) frontier," was at the same time debated and tabled under the rule. A more comprehensive resolution was moved by Mr. Fillmore, and adopted by the House on the 6th of April following, requesting the President to communicate "any information in possession of the executive department showing the military preparation of Great Britain, by introducing troops into Canada or New Brunswick, or erecting or repairing fortifications on our northern and northeastern boundary, or by preparing naval armaments on any of the great northern lakes, or the waters connected with them, and what preparations, if any, have been made by this Government to put the United States, and especially the northern and northeastern frontiers, in a posture of defense against Great Britain in case of a war."

These several resolutions called forth three messages in reply, all bearing on the question of the armament on the lakes. The first,

under date of March 28, 1840, responded to the resolution of March 9, and transmitted the above-cited note from the British minister, Mr. Fox, of November 25, 1838, as being "the only communication on file in this (the State) Department on the subject." With the report of the Secretary of State was transmitted a report from the Secretary of War, communicating the report above mentioned of Major-General Scott, of March 23, 1840, on the general subject of the armament on the lakes in connection with the measures of defense adopted in 1838 against the movements of the "Canadian Patriots." (House Ex. Doc. No. 163, Twenty-sixth Congress, first session.) Another message in response to the same resolution of March 9, 1840, was sent to the House by the President on the 29th June following, accompanied by a report from the Secretary of War, conveying a special report from Gen. Alexander Macomb, dated June 26, 1840, in relation to the British naval preparations. (House Ex. Doc. No. 246, Twenty-sixth Congress, first session.) Another message was sent in by President Van Buren on the same day as the last, June 29, 1840, in response to the resolution of April 6, in regard to the reported military armaments of the British Government on the northern and northeastern frontier, communicating in like manner a report of the Secretary of War and a detailed statement from General Macomb. (House Ex. Doc. No. 246, Twenty-sixth Congress, first session.) These three messages are annexed hereto for more convenient reference.<sup>1</sup>

Although it thus appeared that the Government of Great Britain had not in fact manifested any desire to annul the arrangement of April, 1817, and that the extraordinary defensive measures in 1838 had been merely temporary and had been abandoned when the immediate occasion thereof had ceased, it continued to be the general feeling of Congress that steps were necessary, in view of the vexatious occurrences of the past years, to strengthen the military and naval defenses of the United States against the possibility of troubles arising with Great Britain. The Journals of Congress of that time teem with resolutions of inquiry and bills introduced looking to the adoption of defensive measures on the lakes and along the seaboard as well. The country was financially prosperous and the surplus revenues were an

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<sup>1</sup>Omitted from this print.



incentive to expenditures for national protection. This disposition found expression in the fortification bill, which later became an act, September 9, 1841. The debates upon the measure show that the condition of the lake defenses attracted considerable attention in view of the measures lately taken, and then reported to be in progress, on the Canadian side.

On August 3, 1841, Senator Allen, of Ohio, moved an amendment to the fortification bill, for the construction or armament of armed steamers, or other vessels for defense, on the northwestern lakes. This proposition was debated at some length on the day of its introduction and on the following day. Mr. Allen explained that he had not offered it with a view to benefit any particular section of the country, but that, having understood the British had two armed steamers on Lake Erie, "he thought armed steamers were necessary to watch armed steamers." Mr. Evans referred to the existing arrangement as prohibiting the construction of armed vessels by either power on the lakes. Mr. Woodbridge said he was not aware that the British Government had violated the treaty in this respect; that during the troubles of the recent insurrection that Government had employed vessels to assist in putting it down, but he had understood it was with the assent of our own Government this was done. Mr. Allen maintained that his amendment was demanded "for the defense of Lake Erie and for the purpose of making our force equal to that of the British Government, whose steamers were cruising about our coast, prying into its exposed parts." Mr. Preston regarded the project as wild and inefficient. Mr. Allen at length consented to modify his amendment, to provide for the construction or armament of such vessels on the northwestern lakes as the President might think most proper, and as should "be authorized by the existing stipulations between this and the British Government," in which form the amendment was adopted, and it eventually became part of the fortification act of September 9, 1841. (Statutes, V, 460.)

Very shortly after the passage of that act, Mr. Webster formally brought the matter of the reported increase of the British armament on the lakes to the attention of Mr. Fox, Her Majesty's minister, by a note dated September 25, 1841, in which, after reciting the terms of the agreement of 1817, and the communication addressed to him by Mr. Fox on November 25, 1838, he said:

[Mr. Webster to Mr. Fox, September 25, 1841.]

The Government of the United States, being thus assured that the armament of which information was thus given was for a special and temporary purpose, did not consider your communication as notice of the intention on the part of your Government to abandon the arrangement of 1817.

We are now informed that two large steam vessels fitted for warlike service, of 400 or 500 tons burden, and capable of carrying fifteen or twenty guns, are built, partially equipped, and ready to receive ordnance, and now lie at Chippewa. The Government of the United States does not allow itself to doubt that the object of this preparation is purely defensive and intended only to guard against attacks like that of 1838; but as far as it exceeds the amount of force which either Government is permitted to maintain, by the stipulations of 1817, it seems proper to call the attention of the British Government to the subject, to the end that both parties may have a clear understanding upon it. It is hoped, therefore, that if not already instructed respecting the object of the armament, you will inquire at the proper source, to the end that you may be able to give explicit assurances to this Government that these vessels of war, if, unhappily, it shall be found necessary to use them at all, will be confined to the sole and precise purpose of guarding Her Majesty's provinces against hostile attacks.

Two months having passed without any response from the British minister, Mr. Webster addressed Mr. Fox anew and even more formally on the subject on the 29th of November. His note may conveniently be quoted in full:

DEPARTMENT OF STATE,  
*Washington, 29th November, 1841.*

HENRY S. FOX, Esquire, etc.:

The undersigned, Secretary of State of the United States, has the honor of calling the attention of Mr. Fox, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, to a letter addressed to him by the undersigned on the 25th of September last, on the subject of two steam vessels of war which were understood to be built, or purchased, and in the process of equipment, at Chippewa, in Canada, and respectfully to invite as early a reply to that letter as Mr. Fox's information and instructions may enable him to give. It was the object of the convention of 1817 to prevent, both on the part of the United States and England, the necessity of maintaining expensive naval armaments on the lakes, to place the parties on a footing of perfect equality, and to remove causes of jealousy and apprehension on the borders, on the conclusion of the war, by a mutual agreement to disarm on both sides, so far as the waters of the lakes were concerned. It is obvious that a rigid compliance with the terms of the convention by both parties can alone accomplish the purposes



intended by it. The convention interdicted the building, as well as the equipment of vessels of war, beyond the fixed limit. The United States have not been disposed to make complaint of the temporary deviation from this agreement by the British Government in 1838, under what was supposed to be a case of clear and urgent necessity for present self-defense. But it can not be expected that either party should acquiesce in the preparation by the other of naval means beyond the limit fixed in the stipulation, and which are of a nature fitting them for offensive as well as defensive use, upon the ground of a vague and indefinite apprehension of future danger. The undersigned doubts not that Mr. Fox will see the great importance as well as the great delicacy of this subject. Having thus again called Mr. Fox's attention to it, the undersigned concludes by observing that the United States can not consent to any inequality in regard to the strictness with which the conviction of 1817 is to be observed by the parties, whether with respect to the amount of naval force or the time of its preparation or equipment. The reasons for this are obvious and must immediately force themselves upon Mr. Fox's consideration.

The undersigned avails himself of this occasion, etc.

DAN'L WEBSTER.

Mr. Fox replied on the following day, November 30, 1841, giving the desired assurance that the vessels of war in service on the lakes had been equipped "for the sole purpose of guarding Her Majesty's provinces against hostile attack." His reply may also be given in full, as bearing upon the subsequent question of the termination of the arrangement of 1817.

WASHINGTON, *November 30, 1841.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, in which, referring to a previous communication addressed to me on the 25th of last September, you call my attention officially to the naval armament at present employed by Her Majesty's authorities on the Canadian lakes.

I was under the impression that at an informal conversation which occurred at the period of your addressing me the first of these communications, I had sufficiently explained to you that I considered the statement contained in my official letter to Mr. Forsyth of the 25th of November, 1838, upon the subject of the increased British armament then fitting out upon the lakes, as applying equally to the circumstances of the present time; it being unfortunately notorious that Her Majesty's provinces are now, as then, threatened with hostile incursion by combinations of armed men, unlawfully organized and prepared for war within the frontier of the United States; and it being found by experience that the efforts of the United States Government, though directed in good faith, to suppress those unlawful combinations are not attended with the wished-for success.

I shall refer the communications which you have addressed to me to Her Majesty's Government at home, with the view of learning the pleasure of Her Majesty's Government in regard to the continuance or annulment, after due notice, of the convention of 1817; and in the meantime I have no difficulty in giving you the assurance which in your letter of the 25th of September you state the United States Government desires to receive, that the British vessels of war now serving on the Canadian lakes have been equipped for the sole purpose of guarding Her Majesty's provinces against hostile attack.

I avail myself of this occasion, etc.,

H. S. Fox,

This phase of the matter then terminated, and no record is found of any communication, as foreshadowed by Mr. Fox, of the pleasure of Her Majesty's Government touching the continuance or annulment of the arrangement of 1817.

Soon after the passage of the fortifications act of 1841, and in execution of the authority therein given to the President to build and equip war vessels for service on the lakes, the Secretary of the Navy initiated steps for the construction of an iron steamer for service on the upper lakes, and during the next two years there was constructed at Pittsburg the side-wheel bark *Michigan*, which was removed in sections to Erie, and there completed and floated in the summer of 1844. Her registered tonnage was 498, and her armament then consisted of two 8-inch guns and four 32-pound carronades. This drew forth a remonstrance from the British Government.

Under date of July 23, 1844, Mr. Packenham, Her Majesty's minister, addressed Mr. Calhoun, representing that at that moment the naval armament of the United States on the lakes greatly exceeded that to which the two countries reciprocally restricted themselves by the agreement of 1817, especially in regard to number and caliber of guns, as to which he instanced recent advertisements for ordnance supplies for service on the lakes, calling for a number of 32-pound chambered cannon and ammunition for the same, while the agreement only permitted the use of 18-pounders. Mr. Packenham admitted that as a fact, not long before, when the Canadian provinces were threatened with invasion by parties unlawfully organized within the United States, Great Britain had, in her own defense, maintained a naval force on the lakes in excess of the stipulations of the agreement of 1817, but an explanation had been given of the necessity of that departure



from the existing engagement which had appeared to satisfy the Government of the United States, and when a change in the attitude and disposition of the people on the frontier had become sufficiently evident to permit a feeling of security against aggression the British force had been reduced to the prescribed limits. He added:

At the present moment there are happily no circumstances on either side to justify or require any departure from the strict fulfillment of that agreement, and it therefore becomes by all means desirable that it should be fulfilled to the letter by both the contracting parties.

In view of all this Mr. Packenham stated the desire of Her Majesty's Government "to receive satisfactory explanation as to the intentions of the United States Government with reference to the fulfillment of the agreement of 1817." The answer of Mr. Calhoun, under date of September 5, 1844, merely acknowledges Mr. Packenham's note as having been promptly referred for consideration to the Secretary of the Navy, and transmits a copy of the Navy Department's reply.

Secretary Mason's letter, under date of September 4, 1844, states that he is not aware that the United States naval force on Ontario and Huron exceeds that to which the United States and Great Britain reciprocally restricted themselves by the agreement of 1817. As to Lake Erie, one steamer, the *Michigan*, had been constructed under authority of the act of September 9, 1841, and was then lying at Erie completed, with her armament on board, ready for a cruise. In consequence of the remonstrance of Her Britannic Majesty's minister the commander of the *Michigan* had been ordered not to leave the port of Erie on a cruise until further orders. Mr. Mason's letter goes on to say:

[Mr. Mason to Mr. Calhoun, September 4, 1844.]

You will perceive that the orders were given for the construction of this vessel at a time when the British Government had in commission a larger force than that authorized by the agreement of April, 1817; but there is nothing on the records of the Department to show that there was a purpose of disregarding the restrictions of that agreement. I have reason to believe that Her Majesty's Government has still in commission on the Northwestern lakes a much larger force, both in number and tonnage, than that authorized by the agreement. I transmit copies of two letters received on that subject. The vessels mentioned in the letter of Passed Midshipman Lambert as in commission and

commanded by officers of the royal navy are borne on the navy list of the royal navy published by authority of the Admiralty; and although they are reported to be pierced for a large number of guns, they appear by the list to mount only one gun each. But the restriction is as imperative as to tonnage and number as to armament. It is worthy of remark that at the date of the agreement between the two Governments steamers were in use to a very limited extent as passenger vessels, and perhaps not at all as ships of war. The restriction as to tonnage would probably not have been adopted if their use had been anticipated. No effective steamer for any purpose, it is believed, would be built of a tonnage of 100 tons.

I would respectfully suggest that this consideration would justify a revision of the agreement on the subject, and also that if it is considered that the British vessels are not inconsistent with the agreement by reason of the armament being limited to one gun each, the armament of the steamer *Michigan* can be readily reduced to that number.

The accompanying reports mentioned by Secretary Mason are indefinite. Lieutenant Parmelee learns that there is a powerful British steamer, "with her armament taken out," at Penetauguashia, on Lake Huron, while Passed Midshipman Lambert reports the recent launch at Kingston of a wooden steamer, the *Cherokee*, of some 600 tons, capable of being fitted for service in twelve days, and able to mount from sixteen to twenty-four guns; the presence in commission at Toronto of the iron steamer *Mohawk*, rated at from four to six guns; the schooner *Montreal*, on Lake Ontario, and on the upper lakes the iron steamer *Minus* and the schooner *Experiment*, both commanded by officers of the royal navy.

This report of the Secretary of the Navy is both suggestive and valuable, because expressly noting the great change of circumstances that had taken place on the lakes between 1817 and 1844, the substitution of iron for wood in steamer building, and the advance in ordnance and armament. His proposition for a revision of the agreement to adapt it to more modern exigencies does not appear to have been followed up, and correspondence on the general subject ceased for many years.

It was next revived by a formal inquiry addressed by Lord Napier to Mr. Cass on April 9, 1857, from which it appears that the presence of the *Michigan* in the upper lakes, which had passed unnoticed during the thirteen preceding years, had attracted renewed attention. He wrote as follows:



[Lord Napier to Mr. Cass, April 9, 1857.]

In conformity with the directions of the Earl of Clarendon, I have the honor to solicit your attention to a subject affecting the execution of the treaty of 1817 between Great Britain and the United States for the regulation of the establishments of the two countries on the lakes.

It has been submitted to Her Majesty's Government by the Governor of Canada that an American armed vessel, qualified as a revenue cruiser, lies in the Detroit River, and from which it makes frequent excursions into all the accessible lakes. This ship was alleged to be of the burden of 800 tons, custom-house measurement, and to be furnished with a 68-pound Paixhan gun, dimensions and armament inconsistent with the terms of the treaty above mentioned, which sanctions vessels of 100 tons only, armed with one 18-pounder.

These circumstances having been brought to the knowledge of Mr. Dallas by the Earl of Clarendon, the American minister was enabled to state to his lordship that the vessel in question, by name the *Michigan*, was armed only with an 18-pound gun, but that she was of a greater measurement than is compatible with the provisions of the convention.

In making this communication to you on the part of Her Majesty's Government, I venture to suggest to you the expediency of further inquiry, in order that measures may be taken for the correction of any infringement of the engagements of 1817 which may have occurred.

No record is found of any written reply on the part of Mr. Cass. The Minister's inquiry, and especially his pointed exception to the qualification of the steamer at Detroit as a "revenue cruiser," and his implied claim that the employment of revenue cutters, as distinct from naval vessels, fell under the prohibitions of the agreement of 1817, may indeed have been embarrassing in view of the fact that the United States had maintained two small revenue cutters on the lakes for some years before, and at that time the building of other and smaller cutters for that service, in replacement of those then existing, was authorized by existing law. Section 2 of the sundry civil appropriation act of August 18, 1856, provided:

That the Secretary of the Treasury be, and he is hereby authorized to cause to be sold at public auction the revenue cutter *Ingham*, now stationed at Detroit, and the *Harrison*, now stationed at Oswego, and in lieu thereof to cause to be built six cutters for the protection of the revenue on the lakes of the burden of about fifty tons each; and that the sum of forty-five thousand dollars be, and the same is hereby, appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, in addition to the proceeds of the sale above authorized.

Lord Napier's note having been referred to the Secretary of the Treasury, Mr. Cobb replied, April 13, 1857, that "there are no revenue cutters stationed on either of the lakes. The steamer *Michigan*, referred to in the communication of Lord Napier, is a naval vessel, under the control of the Navy Department." In fact, by this time the two cutters previously stationed on the lakes had already been sold under authority of the foregoing enactment—the *Ingham* at Detroit, October 8, 1856, to Wm. H. Patton, for \$1,441, and the *Harrison* at Oswego, to Messrs. Merry & Gay, for \$1,690.

The building of the six small cutters for revenue service on the lakes would seem to have been begun about this time and to have so far progressed by the summer of 1858 as to attract the attention of the British authorities. On July 2, 1858, in an informal and personal note to Mr. Cass, Lord Napier wrote:

[Lord Napier to Mr. Cass, July 2, 1858.]

When I next meet you it will be my duty to ask you verbally for an explanation on a matter which has reached Her Majesty's Government from Canada. It is reported there that the Federal Government have placed on the lakes six new armed cutters, and it is apprehended that should such be the case this measure may not square with the mutual obligations of the two countries contained in the treaty of 1817. You would oblige me very much by inquiring whether the vessels alluded to have been built and whether they are destined for the purpose alleged.

The verbal inquiry thus foreshadowed was made a few days later, when Lord Napier left with Mr. Cass an undated memorandum of its purport, as follows:

MEMORANDUM.—Are any vessels of war or revenue vessels about to be placed on the lakes?

If there be vessels in course of construction for this purpose, what is their number and what is the tonnage and armament of each?

Are these vessels built in virtue of a specific appropriation by Congress, and when was that appropriation taken?

No trace of any action upon or in reply to this inquiry is found of record.



## III

The breaking out of the war of the rebellion in 1861 and the strenuous efforts put forth to strengthen the defenses of the United States on the water as on land naturally caused our naval armament and preparations to be watched with much care by the representatives of foreign powers. Great Britain was, of course, chiefly interested in this defensive movement, by reason of the popular manifestations of English and Canadian sympathy with the Confederate cause.

On August 31, 1861, Lord Lyons addressed Mr. Seward, stating that the attention of Her Majesty's Government had been drawn to the size and armament of the naval force maintained by the United States on the lakes above Niagara Falls; that the tonnage of that force, "and certainly the armament of the steamer *Michigan*, would seem to be in excess of the limit stipulated in the arrangement of 1817;" and that he was instructed to represent the matter to the Government of the United States.

Mr. Seward, after consultation with the Secretary of the Navy, replied, September 12, that the naval force of the United States on the upper lakes consisted of the steamer *Michigan*, of 582 tons, carrying one gun of 8-inch caliber, and that the vessel was then, as theretofore, used exclusively for the purpose of recruiting for the Navy, with artillery practice for the newly recruited seamen. The naval force in question had not been increased, as the information received by the British Government seems to have led it to apprehend. He added:

It is not supposed by this Government that their retaining of the steamer in question upon the lakes is a violation of their arrangement of 1817. But if the British Government thinks otherwise, we shall be happy to consider its views in that respect.

The invitation thus conveyed was not then accepted, and the matter dropped for a time.

In 1864 the efforts of certain Confederate agents, stationed in and operating from Canadian territory, occasioned great disquietude to the Government of the United States and constrained the exercise of considerable vigilance on the northern frontier to prevent communication between those agents and their confederates in the United States. The

inadequacy of the limited naval force on the Canadian frontier to meet the constant exigencies of the hour became apparent.

In the House of Representatives on June 13, 1864, Mr. Spalding introduced a joint resolution (H. R. 91) with a view to terminating the arrangement of 1817. It was referred to the Committee on Naval Affairs, and on June 18 was reported back without amendment. Pending the question on its engrossment, Mr. Elihu B. Washburne submitted an amendment, which was agreed to. The resolution was thereupon read a third time and passed. Careful search fails to show the original text as moved by Mr. Spalding, but as the resolution passed the House with Mr. Washburne's amendment, it is worthy of note that the preamble recites, as justifying notice of termination, that—

The treaty of eighteen hundred and seventeen, as to the naval force upon the lakes, was designed as a temporary arrangement only, and, although equal and just at the time it was made, has become greatly unequal through the construction of [by] Great Britain of sundry ship canals; and whereas the vast interests of commerce upon the Northwestern lakes, and the security of cities and towns situated on their American borders, manifestly require the establishment of one or more navy yards wherein ships may be fitted and prepared for naval warfare; and whereas the United States Government, unlike that of Great Britain, is destitute of ship canals for the transmission of gunboats from the Atlantic Ocean to the western lakes, etc.

In this form the resolution went to the Senate, where it failed of consideration during that session.

The incident, however, did not escape the watchful eye of Lord Lyons, who seems to have reported it home for instructions, which were soon sent him. He accordingly wrote to Mr. Seward, under date of August 4, 1864, stating that the attention of Her Majesty's Government had been drawn to the motion made in Congress during the recent session with a view to putting an end to the arrangement between Great Britain and the United States limiting the naval force to be maintained upon the American lakes, and adding:

This arrangement has worked satisfactorily for nearly half a century. It has preserved both nations from a vast amount of inconvenience and expense, and (which is of infinitely more importance) it has warded off occasions of



disagreement and quarrel. Her Majesty's Government would view the abrogation of it with great regret and no little alarm.

Mr. Seward replied the next day, August 5, 1864, informing Lord Lyons that the motion made in Congress and referred to in his note "did not prevail," and adding: "There is at present no intention to abrogate the arrangement which has been so long in force. I will thank your lordship to assure Her Majesty's Government that timely notice will be given if these views should change."

Soon afterwards, on September 26, 1864, Mr. F. W. Seward, Acting Secretary of State, notified Mr. Burnley, in charge of the British legation during Lord Lyons's absence, that, owing to recent hostile and piratical proceedings on the lakes between the United States and Her Majesty's possessions, it had been deemed necessary for the present to increase the "observing force" of the United States in those lakes; "that the arrangement is temporary, and will be discontinued so soon as circumstances permit;" and that the vessels to be employed on that service would be under instructions to respect British rights in all cases.

It is noticeable that in announcing such a temporary increase of naval armament on the lakes and in assigning the reasons therefor Mr. Seward closely followed the precedent set by Mr. Fox's similar notification in 1838, when the Canadian peace was threatened by hostile ventures. Mr. Burnley does not seem to have recalled the pertinent parallel, for in his note of acknowledgment, on September 28, he said:

Without wishing to prejudge the question, I must leave it to Her Majesty's Government to decide as to whether such a measure, although only temporary in its effect, can be warranted by treaty stipulations.

To this intimation and reservation on Mr. Burnley's part Mr. Seward made no direct response; but on the 1st of October, 1864, he wrote to Mr. Burnley, referring to previous correspondence on the subject, and announcing that—

It has been deemed advisable at this juncture to charter the steam propeller *Hector* for revenue-cutter purposes on the lakes. Any excess which may be thus occasioned, however, in the armament of United States vessels in that

quarter, over the limit fixed by the arrangement of April, 1817, will be temporary only; and as it has been made necessary by an emergency probably not then foreseen, may not be regarded as contrary to the spirit of the stipulation of that instrument.

Mr. Burnley acknowledged receipt of this notification October 4, 1864, saying that he had forwarded copies to Her Majesty's Government.

On the 10th of October following Mr. Seward transmitted to Mr. Charles Francis Adams the notes exchanged with Lord Lyons August 4 and 5 and with Mr. Burnley September 26 and 28, 1864, with the simple direction "to make the needful explanations to Earl Russell on the subject." On the same day Mr. Seward informed Mr. Burnley in connection with "the proposed temporary increase of the observing force of the United States on the American lakes," that the correspondence had been sent to Mr. Adams with instructions "to make explanations to Earl Russell, which it is not doubted will prove satisfactory to Her Majesty's Government."

Without, however, awaiting the result of the explanations Mr. Adams had been directed to make to Earl Russell or the expression of the opinions of Her Majesty's Government on the subject in consequence of Mr. Burnley's report of the incident, Mr. Seward determined to plant the question on a positive and unmistakable footing by notifying the British Government that the right of self-preservation would be exercised to the full by the increase of the defensive armament on the Great Lakes to any necessary limit, and, if need were, by terminating the arrangement of April, 1817, should it be found incompatible with measures needful to the public safety.

On the 24th of October, 1864, Mr. Seward forwarded to Mr. Adams a comprehensive and explicit instruction to this end, passing in review the recent occurrences proving the inadequacy and inefficiency of the British laws and regulations applicable to the enforcement of the obligations of friendly neutrality on the Canadian borders and the repeated failures of the British authorities to check the constant abuses of Canadian territory as a base for hostile designs against the peace of the United States. Instances of such unfriendly acts are cited, such as the seizure of the *Chesapeake* by Braine upon the high seas; the capture of the *Philo Parsons* and *Island Queen* by an armed band



from Malden, on the Canadian shore of the mouth of the St. Clair River below Detroit, in connection with a plot to release the insurgent officers confined on Johnson's Island, and the raid upon St. Albans, Vt., by a band of desperate men from Canada. After commenting on the insufficiency of the British neutrality act, as proven by these occurrences, and the slight heed paid in Canada to the Queen's proclamation of warning, Mr. Seward takes up the question of our defensive measures on the lakes as follows:

[Mr. Seward to Mr. Adams, October 24, 1864.]

It is obvious that at the time of the informal arrangement between the two Governments of April, 1817, limiting their naval force on the lakes, a condition of things like the present could scarcely have been anticipated. The object of that arrangement was to prevent either party from keeping in commission the considerable naval force which they both had employed in that quarter during the war then recently closed. If peace was expected to continue, the force was an unnecessary burden to both parties; but, on the contrary, if war should suddenly be renewed, one or the other might, in anticipation of that event, have clandestinely or otherwise so augmented its force as to insure to it a dangerous advantage. Believing that these were the views entertained at the time the arrangement was entered into, and that neither the United States nor Great Britain expected to relinquish their right to self-defense in the event of a civil war in the territories of either by the limitation referred to, the Secretary of the Treasury, as you will see from the correspondence (a copy of which is inclosed) has chartered two propellers, one on Lake Erie and the other on Lake Ontario, for the purpose of checking and suppressing depredations on our trade and territory in that region similar to those above mentioned.

\* \* \* \* \*

It is, however, impossible to resist the conviction that peace can not be reliably maintained upon the border unless more effective measures shall be adopted to secure that end than those that have hitherto been used by both Governments. \* \* \*

It is now my duty to instruct you to give notice to Earl Russell, in conformity with the treaty reservation of that right, that at the expiration of six months after you shall have made this communication the United States will deem themselves at liberty to increase the naval armament upon the lakes if, in their judgment, the condition of affairs in that quarter shall then require it. And you will be careful to advise us of the day on which this notice is given. You will assure the Earl, however, that this proceeding is adopted only as a necessary measure of national defense, and not only with no purpose of hostility, but, on the other hand, with a desire no less earnest than heretofore to preserve the most friendly relations with Great Britain. Moreover, this Gov-

Government will in every case direct its best efforts to prevent invasion of British territory, whether by way of popular retaliation or otherwise. It is not for us to indicate the means Her Majesty's Government should adopt to maintain neutrality on their side of the border.

\* \* \* \* \*

Nor are we able to conceive of any remedy adequate to the present exigency but the recognition by Her Majesty's Government of the just and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government.

It is to be noted that Mr. Seward characterized the arrangement of 1817 as "informal," a circumstance which may serve to throw light on his subsequent action in regard to it.

Mr. Seward's instruction was recast by Mr. Adams, the language and arrangement of the original being substantially adhered to, in the form of a note to Earl Russell, which, being dated November 23, 1864, was delivered at the foreign office "at 5 minutes past 6 o'clock that evening," and on November 25 Mr. Adams duly reported his compliance with Mr. Seward's orders.

The British answer was conveyed to Mr. Seward through the medium of the British chargé, Mr. Burnley, on December 17, 1864, by means of a brief note transmitting copy of an instruction addressed by Lord Russell to Lord Lyons, under date of November 26, 1864. Although described by Mr. Burnley as "relative to the intention of the United States Government, in conformity with the treaty reservation right, to increase their naval armament upon the North American lakes," the note of Lord Russell is an elaborate controversion of Mr. Seward's general line of argument and a defense of the declared indisposition of Her Majesty's Government either to deny to the Southern States belligerent rights, or to propose to Parliament to make the laws of the United Kingdom generally more strict, or to refuse asylum to persons in hostility with a government or nation with whom Her Majesty is at peace. Counter charges of excessive exercise of belligerent rights by the United States are made. The reference to the pivotal point of Mr. Seward's communication, the stipulated six months' notice of the termination of the agreement of 1817, is very brief, and reads as follows:



[Lord Russell to Lord Lyons, November 26, 1864.]

It is perfectly competent to the United States to give notice that at the end of six months that Government will be at liberty to increase their naval force on the lakes. It is certainly true that while both nations are disarmed on the lakes marauders or depredators may destroy or capture unarmed vessels belonging to either party. Her Majesty will, of course, be at liberty also to increase her naval force on the lakes at the expiration of the six months after notice if she should think fit so to do. But it is to be hoped that when peace is restored the former agreement, which was formed upon just and wise considerations, may be renewed, as one that must be advantageous to both parties.

On January 10, 1865, Mr. Seward wrote to Mr. Burnley, briefly acknowledging the receipt of the British reply, and promising "attentive consideration" to the views and suggestions presented to this Government by Earl Russell.

Meanwhile the critical condition of affairs on the Canadian border and the apparent inability, if not indisposition, of the provincial authorities to enforce observance of neutrality in that quarter, was not slow to attract the earnest attention of Congress. On the assembling of Congress in December, 1864, much feeling was displayed by reason of the recent St. Albans raid, and on December 14 the publication of the news that the raiders had been discharged on the previous day for want of jurisdiction led Senator Chandler to move a resolution directing the Committee on Military Affairs "to inquire into the expediency of immediately enlisting an army corps to watch and defend our territory bordering on the lakes and Canadian line from all hostile demonstrations." Mr. Sumner followed this up the next day, December 15, 1864, by submitting the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the President of the United States be requested, if not inconsistent with the public interest, to furnish to the Senate any information on the files of the Department of State concerning the paper published in the volume of Treaties and entitled "Arrangement between the United States and Great Britain between Richard Rush, esquire, Acting Secretary of State, and Charles Bagot, His Britannic Majesty's envoy extraordinary," relating to the naval force to be maintained upon the American lakes.

The message of President Lincoln of January 9, 1865, in compliance with this resolution, merely transmitted a brief report of the Secretary

of State, of even date, referring to the publication in the folio volume of American State Papers of the correspondence between Messrs. Monroe and Rush and Mr. Bagot, whereby the arrangement of April 28-29, 1817, was concluded. Mr. Seward added:

From these papers it will be seen that the limitation of the force to be maintained was sought by this Government. Although the convention seems somewhat informal as published in the Revised Statutes, yet upon consulting the original papers it appears to have been duly approved by the Senate, ratified by the President, and proclaimed as law.

This message was referred January 12, 1865, in the regular order of business, to the Senate Committee on Foreign Relations, of which Mr. Sumner was chairman.

There was then pending in that committee Mr. Spalding's resolution (H. Res. 91) of the preceding session, which, as amended by Mr. Washburne, had passed the House of Representatives on the 18th of June, 1864, for the giving of notice of the termination of the arrangement of 1817. Being aware of the fact that in the meantime such notice of termination had been given in diplomatic correspondence with Her Majesty's Government, Mr. Sumner, on January 10, 1865, requested a copy of it, as "necessary to determine the character of the legislation which may be expedient," and on January 12 received from Mr. Seward information of the instruction of October 24, 1864, which Mr. Adams had communicated to Earl Russell on the 23d of November following, as above stated. On January 17, 1865, Mr. Sumner, from the Committee on Foreign Relations, reported the House resolution with an amendment. The next day, January 18, the joint resolution, with Mr. Sumner's amendment, was considered in Committee of the Whole, and, the amendment having been agreed to, the resolution was reported to the Senate as amended and forthwith passed. (Senate Journal, Thirty-eighth Congress, second session, p. 82.) The House of Representatives concurred in the amendment February 4, 1865, and the resolution was approved by the President on the 9th of the same month, as follows:

JOINT RESOLUTION to terminate the treaty of eighteen hundred and seventeen, regulating the naval force on the lakes.

Whereas the United States, of the one part, and the United Kingdom of Great Britain and Ireland, of the other part, by a treaty bearing date April,



eighteen hundred and seventeen, have regulated the naval force upon the lakes, and it was further provided that "if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice;" and whereas the peace of our frontier is now endangered by hostile expeditions against the commerce of the lakes and by other acts of lawless persons, which the naval force of the two countries, allowed by the existing treaty, may be insufficient to prevent; and whereas, further, the President of the United States has proceeded to give the notice required for the termination of the treaty by a communication which took effect on the twenty-third of November, eighteen hundred and sixty-four: Therefore,

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the notice given by the President of the United States to the Government of Great Britain and Ireland to terminate the treaty of eighteen hundred and seventeen, regulating the naval force upon the lakes, is hereby adopted and ratified as if the same had been authorized by Congress.*

Approved, February 9, 1865.

By this time the situation on the Canadian border had materially changed for the better. An increased disposition to obey the dictates of good neighborhood was apparent. As Mr. Adams said, writing under date of March 24, 1865, to Mr. Seward, the tone toward the United States had much changed, the alarmist policy seemed to have been abandoned, and in lieu of it came earnest professions of a belief that the friendly relations between the two countries were firmly established. Mr. Adams observed, in this relation, that it was not necessary at that time "to analyze very closely the elements with which this new faith is compounded." Doubtless the accumulating proof of the approaching success of the Union arms, and a recognition of the indefensible position of Canada in the event of trouble arising with the United States, had much to do with the evident change of heart across the border. The necessity for terminating the arrangement of 1817 and for adopting extraordinary defensive measures on the northern frontier had substantially passed away.

Under these reassuring circumstances, and notwithstanding the action of Congress in attaching legislative sanction to the executive notification of termination, which would in terms end the arrangement on the 23d of May, 1865, steps were taken to continue it "practically" in force after that date, and on the 8th of March, 1865, Mr. Seward sent to Mr. Adams, in London, the following instruction:

[Mr. Seward to Mr. Adams, March 8, 1865.]<sup>1</sup>

The notice which has been given by this Government for the termination of the convention of April, 1817, limiting the naval force on the lakes, was indispensable to enable us technically with honor to protect ourselves from insurgent incursion from Canadian territory. As it is hoped and believed that under existing circumstances no further incursions of that character may be apprehended, you may say to Lord Russell that we are quite willing that the convention should remain practically in force; that this Government has not constructed or commenced building any additional war vessels on the lakes or added to the armament of the single one which was previously its property, and that no such vessels will in future be built or armed for us in that quarter. It is hoped and expected, however, that Her Majesty's Government, on its part, so long as this determination shall be observed in good faith by that of the United States, will neither construct nor arm nor introduce armed vessels in excess of the force stipulated for by the convention referred to.

No record appears of the action of Mr. Adams upon this instruction, but that he did in fact communicate its purport to Earl Russell is seen by an inquiry addressed to Acting Secretary Hunter June 15, 1865, by Sir F. Bruce, who had succeeded Lord Lyons as British minister. Referring to Mr. Adams's communication of the instruction of March 8 to Her Majesty's Government, and reciting its import, Mr. Bruce adds:

[Sir F. Bruce to Mr. Hunter, June 15, 1865.]

It may admit of a doubt whether the notice of the abrogation of the agreement has been rendered inoperative by the communication thus made through the American minister, and, as it is essential that no misapprehensions should exist on so important a point, I am instructed to ascertain whether the dispatch to Mr. Adams of the 8th of March was intended as a formal withdrawal of the notice given by the American minister to Earl Russell on November the 23d, or whether, as the period of six months from the date of that notice has now elapsed, the agreement of 1817 is virtually at an end, and the abstinence of either party from increasing its force on the lakes, without further notice, rests merely on the good pleasure of each, unfettered by any diplomatic engagement.

Her Majesty's Government consider that in the latter case a very inconvenient state of things would exist; and I am directed to add that it appears

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<sup>1</sup>Joint resolution of February 9, 1865, was sent to Minister Adams on the 13th of the same month. The instruction, No. 1269, of that date merely says: "You may make such use of the same as may be necessary or advisable." It was merely acknowledged by number on March 2, and the instruction of March 8 revoking the earlier one was sent so shortly thereafter that it is very likely that the "notice" was never actually "given."



to Her Majesty's Government that the best course would be that the notice of November 23 should be formally withdrawn, whereby the agreement of 1817 would remain unimpaired and would continue binding on both parties until six months after fresh notice by either of them of its abrogation.

To this inquiry Mr. Seward replied on the following day, June 16, 1865, that the instruction to the United States minister at London, of March 8, upon which his reported communication to Earl Russell was based, "was intended as a withdrawal of the previous notice within the time allowed, and that it is so held by this Government."

Here the correspondence in regard to the termination of the arrangement of 1817 ceased. Since that time it has been regarded by both Governments as in continuing force and effect.

#### IV

A brief episode of correspondence upon the general subject occurred later in 1865, by reason of the building and equipment of several revenue cutters by the United States for service on the lakes.

On November 3, 1865, Sir Frederick Bruce stated that the attention of Her Majesty's Government had been called recently to the construction of several vessels prepared for the reception of a powerful armament, which were reported to be destined for service on the North American lakes, and added:

In view of the convention which exists between the United States and Great Britain determining the armed force to be employed by the parties to it on the lakes, I am instructed to bring the subject under your notice and to request you to be good enough to furnish me with the explanations which it seems to require.

Mr. Seward promptly responded on the next day, November 4, 1865, that any vessels of the character referred to which might be in course of construction by the United States "are intended exclusively for revenue purposes, and that their armament, if any, will not be allowed to exceed the limit stipulated in the conventional arrangements."

Since then no question has been raised by the British Government with regard to the maintenance by the United States of armed revenue cutters on the lakes. It appears to be tacitly understood on both sides

that vessels for the revenue service do not fall within the limitations of the arrangement of 1817. Although the arrangement itself is silent on this point this understanding is quite in consonance with the spirit of the negotiations which led up to the final exchange of notes. Mr. Monroe's first proposition, made through Mr. Adams, expressed a willingness "to abstain altogether from an armed force beyond that used for the revenue." Mr. Adams emphasized this view in his first conference with Lord Castlereagh, intimating that "it would best of all suit the United States if the armaments should be confined to what is necessary for the protection of the revenue." Lord Castlereagh admitted that "everything beyond what should be necessary to guard against smuggling would be calculated only to produce mischief." Mr. Adams repeated this consideration in his note of March 21 to Lord Castlereagh. The questions of revenue service and armed naval force for defense or offense seem to have been kept apart, until Mr. Adams, in his note of August 2, 1816, to Mr. Bagot, proposed that the naval force to be retained by each party on the lakes should be "restricted in its duty to the protection of its revenue laws, the transportation of troops and goods, and to such other services as will in no respect interfere with the armed vessels of the other party." By August 13, 1816, Mr. Monroe had ascertained that Mr. Bagot's instruction was limited to the mere suspension of further augmentation of the naval force, and did not extend to fixing a rational maximum as "to the number of vessels, for example, which would be necessary for the support of the revenue laws," which point Mr. Monroe appears to have had very strongly in mind. The provisional understanding of August, 1816, did not go beyond the suspension of any increase in the respective naval forces on the lakes. The British statement, submitted in November following, only covers armed naval vessels and transports. The final agreement of April 28-29, 1817, while reciting the acceptance of Mr. Monroe's propositions of August 2, 1816, makes no reference to the previous suggestion that the employment of the permitted "naval force" might be restricted to the collection or protection of the revenue.

However matters may have been then left in this regard, the fact remains that now, and for some twenty-six years, the Government of the United States has drawn a sharp distinction between its naval force and revenue service on the lakes, and that this contention has passed



without controversion by Great Britain since it was announced by Mr. Seward in November, 1865.

The revenue service of the United States now comprises three steamers: *Perry*, stationed at Erie, 281.54 tons, with an armament of two 3-inch rifles; *Fessenden*, stationed at Detroit, 329.81 tons, one 30-pounder Parrott gun, two 24-pounder Dahlgren howitzers, and two 3-inch rifles; and *Johnson*, stationed at Milwaukee 499 tons, one 30-pounder Parrott and two 24-pounder howitzers. Another vessel, *Bibb*, formerly stationed on Lake Ontario, has been sold.

On the part of Canada no information has been received as to the number, tonnage, and armament of British revenue vessels stationed in those waters; but it has been recently stated on the authority of a report to the Treasury Department that two vessels for the Dominion Government have been constructed at Owen Sound, Ontario, and that, although styled "revenue cutters" and destined to suppress smuggling on the St. Lawrence River and the lakes, they are in reality capable of adaptation to naval purposes.

Additional weight is perhaps lent to this latter aspect of the report by the precautions that appear to have been taken to guard them from public inspection. Another revenue cutter of a similar type is said to have been recently launched from Hamilton, Ontario.

The naval force of the United States on the lakes, as has been seen, is now and has been for many years confined to the single iron side-wheel steamer *Michigan*, which now rates 685 tons and carries four howitzers.

It does not appear that any British or Canadian vessels are now, or have been for many years, stationed on the lakes. The dimensions of the locks on the St. Lawrence River canals exclude the entrance into the lakes of any vessel exceeding 9 feet draft or 200 feet in length; and the only vessels borne on the British naval list which appear to be capable of passage from the deep seas to the lakes, are some forty-three tugs, drawing 8 feet and armed with rapid-firing guns.

## V

The resolution of the Senate calls explicitly for the opinion of the Department of State as to whether the arrangement of 1817 is now held to be in force. The correspondence exchanged in 1864 shows that it is so regarded.

As between the United States and Great Britain, Mr. Seward's withdrawal of the six months' notice of termination within the prescribed period and before the arrangement could in fact have ended, is no less authoritative than the notification itself. The British Government, being as incompetent to inquire into the authority of the Secretary of State to withdraw the notification as it would have been to inquire into his authority to give it under the terms of the arrangement, could only accept and respect the withdrawal as a fact. Whether the Secretary of State was himself competent to withdraw the notification is not material to the international aspect of the case, because, being a matter of domestic administration, affecting the internal relations of the executive and legislative powers, it in no wise concerns Great Britain. It would be an unprecedented and inadmissible step in the international relations of governments, were Great Britain to question the authority of the executive power to withdraw the notification and continue the arrangement in full force and effect. As between the two countries the arrangement is, therefore, to be regarded as still in existence, and only terminable in good faith by six months' notice of abrogation on either side.

As a question of domestic administration and powers the action of the Secretary of State in giving notice of termination without previous authority of Congress, and in withdrawing such notice without legislation to that end and after the notice had been confirmed by legislation, opens the door to nice argument in theory touching the constitutional aspects of the transaction, but as a matter of practical effect such considerations may now be deemed more interesting than material. While on the one hand it may be said that the action of the Senate, in 1818, when it advised and consented to the arrangement of 1817, and the action of the President in proclaiming the arrangement, made it a supreme law of the land, and that the later action of Congress, in 1865, confirming the notice of termination given, operated alike to cure any constitutional defect attending the giving of that notice and to abrogate the arrangement itself as a law of the land, it may be asserted on the other hand that the continuance of an international understanding with Great Britain limiting the naval force to be maintained by either party in commission on the lakes, even if lacking express legislative sanction, is violative of no existing legislation. No act of



Congress requires, or has at any time required, the commission of any other war vessel on the lakes than the single steamer *Michigan*, which for many years has formed our sole naval armament in those waters. This consideration doubtless prompted Mr. Seward when he directed Mr. Adams to "say to Lord Russell that we are quite willing that the convention should remain *practically* in force."

The circumstances and form of the original arrangement entered into in April, 1817, show that it did not in terms purport to be more than a record of an understanding mutually reached by the two Governments for the reciprocal regulation of a matter within the administrative competence of each. Its interpretation since that time, by temporarily increasing the force on either side when demanded by the exigencies of national self-defense, by tacitly withdrawing the necessary revenue force from the purview of its stipulations, and by resorting (as in the case of the *Michigan*), to the use of vessels of heavier tonnage and greater armament than the arrangement allows, all show an elasticity of observance which is only compatible with the conviction, on both sides, that the whole subject was within administrative control, and that it sufficed to observe the spirit of the arrangement by mutually abstaining from the creation of a martial force on the lakes in menace of the reciprocal obligations of good neighborhood.

The question of the spirit which controls, and should control, the understanding of two great Governments in this regard is to-day of vastly greater importance to their interests than any narrow contentions respecting its literal observance. Three-quarters of a century have passed since the arrangement was entered into. It in nowise responds to the enormous changes wrought in the conditions of intercourse upon the lakes. As an engagement to limit the effective force on each side to four vessels not exceeding 100 tons burden apiece, and each armed with one 18-pounder cannon, it is obsolete. Steam has supplanted sail power for naval purposes. The character and caliber of necessary and usual ordnance has undergone a change no less great. The upper lakes, where in 1817 the employment of any naval force on behalf of the United States was, to quote Mr. Adams's language, "important only in relation to the savages within our limits," are now the seat of an extended civilization. Where the huts of hostile tribes then stood great cities now face their shores. Chicago and Milwaukee are but half-century growths. The pathways of com-

merce cover the Great Lakes. The annual entry and clearance tonnage in some of the farther ports rivals, and even exceeds, that of New York and Liverpool.

An equally notable geographical change has taken place. Ship canals have made possible the passage of comparatively large vessels from lake to lake, and even from the extremest shores of Superior or Huron to the Atlantic Ocean. In 1817 a ship of any tonnage was confined to the lake on whose shores it was built. The waters of Erie, Ontario, and even Champlain had been the scene of historical naval combat, but the engaging fleets of three-deckers, carrying 74 guns apiece, had been built in those lakes, while the signing of the treaty of peace left other half-built frigates to decay on the stocks.

Under the changed conditions now prevailing such cumbrous armaments are as impracticable as needless. Flotillas of light-draft gunboats, rapid and easily maneuvered, are now most suitable for use on the lakes in time of war; in peace they should well be restrained on either side.

In 1817 the problem that presented itself to the negotiators was one of immediate reciprocal disarmament rather than of future limitation. A desperate war had just closed, and its animosities still rankled despite the signature of a treaty of peace. The navies of the late contestants were on the lakes, incapable of removal thence and unfitted for the peaceful mission of commerce. Their maintenance was as dangerous as it was useless and costly. The treaty of Ghent was silent in regard to disarmament; but upon the lakes only by disarmament could the menace of fresh conflicts on trivial occasion be averted from that quarter. All these considerations abundantly appear as a motive of Secretary Monroe's proposals to restrict the armaments on the co-terminous inland seas. They were in fact destroyed, no naval force worthy of the name being preserved. The little sailing vessels still permitted could not even act together. Ontario was separated from Erie by an impassable natural barrier. Offensive and defensive means of warfare were alike removed, leaving only the necessary instrumentalities for protecting the revenues and controlling the savages on either side the frontier.

If as early as 1844 the Secretary of the Navy held that the sole consideration of steamers having taken the place of sailing craft for war-like purposes would justify a revision of the agreement; if the



House of Representatives in 1864 regarded the opening of the Canadian canals as introducing an inequality incompatible with its engagements; and if, as Mr. Seward held in 1864, the informal arrangement of April, 1817, could scarcely have anticipated such a condition of things as the maintenance of a marine force adequate to cope with domestic troubles or civil war on either side, it seems most desirable now, in view of the long lapse of time and the vast changes wrought in these and other no less important regards, that the arrangement now grown obsolete in practice and surviving in the letter only as a declared guaranty of international peace, should be modified to fit the new order of things, and with such adaptation to the exigencies of the future as prudence may forecast.

It may be permissible to adduce a simple illustration of the unfitness of the arrangement of 1817 to meet the modern conditions of intercourse. But recently the offer of a shipbuilding establishment on one of the lakes to construct one of the smaller vessels of our new Navy, to be taken thence by the Welland and River canals to the Atlantic for service on our seaboard, was not considered, because the construction of such a vessel on the lakes might be held to contravene the arrangement of 1817.

The undersigned, in conclusion, may remark that, in view of the complex character of the whole subject, and the circumstance that the history of the steps taken in 1865 for the termination of the arrangement of 1817, and of the manner in which it was continued in force, has not heretofore been connectedly presented, he has felt constrained to give a full relation from the outset, with copious citation from the records. Copies of certain selected documents, bearing upon the question of termination, are appended in full for more convenient consultation.<sup>1</sup>

Respectfully submitted.

JOHN W. FOSTER.

DEPARTMENT OF STATE,  
*Washington, December 7, 1892.*

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<sup>1</sup>Omitted from this print.

## APPENDIX

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CONCERNING NAVAL  
FORCE ON THE GREAT LAKES<sup>1</sup>

*Signed at Washington, April 28-29, 1817; ratification advised by the Senate, April 16, 1818; proclaimed by the President, April 28, 1818.*

WASHINGTON, April 28, 1817.

The Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to acquaint Mr. Rush, that having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the Undersigned upon the subject of a proposal to reduce the Naval Force of the respective Countries upon the American Lakes, he has received the commands of His Royal Highness The Prince Regent to acquaint the Government of the United States, that His Royal Highness is willing to accede to the proposition made to the Undersigned by the Secretary of the Department of State in his note of the 2d of August last.

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees, that the Naval Force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following Vessels on each side—that is

On Lake Ontario to one Vessel not exceeding one hundred Tons burthen and armed with one eighteen pound cannon.

On the Upper Lakes to two Vessels not exceeding like burthen each and armed with like force.

On the waters of Lake Champlain to one Vessel not exceeding like burthen and armed with like force.

And His Royal Highness agrees, that all other armed Vessels on these Lakes shall be forthwith dismantled, and that no other Vessels of War shall be there built or armed.

His Royal Highness further agrees, that if either Party should hereafter be desirous of annulling this Stipulation, and should give

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<sup>1</sup>Malloy: *Treaties, Conventions, etc., between the United States and Other Powers*, p. 628.



notice to that effect to the other Party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government, that His Royal Highness has issued orders to His Majesty's Officers on the Lakes directing, that the Naval Force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other Party.

The Undersigned has the honour to renew to Mr. Rush the assurances of his Highest consideration.

CHARLES BAGOT.

DEPARTMENT OF STATE,

*April 29, 1817.*

The Undersigned, acting Secretary of State, has the honor to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannick Majesty, the correspondence which passed last year between the Secretary of State and himself upon the subject of a proposal to reduce the naval force of the two countries upon the American Lakes, he had received the commands of His Royal Highness The Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the second of August last.

The Undersigned has the honor to express to Mr. Bagot the satisfaction which The President feels at His Royal Highness The Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note, the Undersigned, by direction of the President, has the honor to state, that this Government, cherishing the same sentiments expressed in the note of the second of August, agrees, that the naval force to be maintained upon the Lakes by the United States and Great Britain shall, henceforth, be confined to the following vessels on each side, that is:

On Lake Ontario to one vessel not exceeding One Hundred Tons burden, and armed with one eighteen-pound cannon. On the Upper Lakes to two vessels not exceeding the like burden each, and armed

with like force, and on the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And it agrees, that all other armed vessels on these Lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. And it further agrees, that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned is also directed by The President to state, that proper orders will be forthwith issued by this Government to restrict the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The Undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas, an arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—

On Lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

On the Upper lakes, to two vessels not exceeding like burden each, and armed with like force.

On the waters of Lake Champlain, to one vessel not exceeding like burden, and armed with like force.



All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party.

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty.

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,  
*Secretary of State.*





2

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 3

## SIGNATURES, RATIFICATIONS, ADHESIONS AND RESERVATIONS TO THE CONVENTIONS AND DECLARATIONS OF THE FIRST AND SECOND HAGUE PEACE CONFERENCES

*11. I-VII, 1-32  
reservations*

PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1914

DEPARTMENT OF STATE

WASHINGTON, *December 23, 1914.*

SIR:

I received your letter of the 3d instant, requesting that the Department verify from its official records, the Tables of Signatures, Ratifications, Adhesions and Reservations to the Conventions and Declarations of the First and Second Hague Conferences, which you enclosed and which you propose to issue as a publication of the Carnegie Endowment for International Peace.

In reply I have to advise you that such verification has been made, and that the enclosed tables as corrected are regarded as accurate and complete, so far as shown by the archives of the Department.

It is desired that the enclosed corrected tables be returned to the Department for the completion of its files, as soon as they have been printed.

I am, Sir,

Your obedient servant,

ROBERT LANSING,  
*Counselor.*

DR. JAMES BROWN SCOTT,  
Director, Division of International Law,  
Carnegie Endowment for International Peace,  
2 Jackson Place, Washington, D. C.



## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the

belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Voeux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
Director of the Division of International Law.

WASHINGTON, D. C.,  
December 23, 1914.



## CONTENTS

	PAGE
<b>CONVENTIONS AND DECLARATIONS OF THE FIRST CONFERENCE.</b>	
Table of signatures, ratifications, adhesions and reservations to the Conventions and Declarations signed July 29, 1899.....	2-4
Reservations made to the Convention for the pacific settlement of international disputes .....	5-6
Roumania .....	5
Servia .....	5
Turkey .....	6
United States .....	6
Reservations made to the Convention for the adaptation to maritime warfare of the principles of the Geneva Convention.....	6
Germany .....	6
Great Britain .....	6
Turkey .....	6
United States .....	6
<b>CONVENTIONS AND DECLARATION OF THE SECOND CONFERENCE.</b>	
Table of signatures, ratifications, adhesions and reservations to the Conventions and Declaration signed October 18, 1907, and the additional protocol signed September 19, 1910.....	8-11
Reservations made to the Convention for the pacific settlement of international disputes .....	12-15
Brazil .....	12, 13
Chile .....	12, 13
Greece .....	12, 13
Japan .....	12, 13
Roumania .....	12, 13
Switzerland .....	12, 13
Turkey .....	12-14
United States .....	14, 15
Reservations made to the Convention respecting the limitation of the employment of force for the recovery of contract debts....	14-21
Argentine Republic .....	14-16
Bolivia .....	16, 17
Colombia .....	16, 17
Dominican Republic .....	16, 17
Ecuador .....	16, 17
Greece .....	18, 19

	PAGE
Guatemala .....	18, 19
Nicaragua .....	18, 19
Peru .....	20, 21
Salvador .....	20, 21
United States .....	20, 21
Uruguay .....	20, 21
Reservations made to the Convention respecting the laws and cus- toms of war on land.....	20-23
Austria-Hungary .....	20, 21
Germany .....	22, 23
Japan .....	22, 23
Montenegro .....	22, 23
Russia .....	22, 23
Turkey .....	22, 23
Reservations made to the Convention respecting the rights and duties of neutral Powers and persons in case of war on land.....	22, 23
Argentine Republic .....	22, 23
Great Britain .....	22, 23
Reservations made to the Convention relating to the status of enemy merchant ships at the outbreak of hostilities.....	24, 25
Germany .....	24, 25
Russia .....	24, 25
Reservation made to the Convention relating to the conversion of merchant ships into war-ships .....	24, 25
Turkey .....	24, 25
Reservations made to the Convention relative to the laying of auto- matic submarine contact mines.....	24-27
Dominican Republic .....	24, 25
France .....	24, 25
Germany .....	24, 25
Great Britain .....	24, 25
Siam .....	26, 27
Turkey .....	26, 27
Reservations made to the Convention concerning bombardment by naval forces in time of war.....	26, 27
Chile .....	26, 27
France .....	26, 27
Germany .....	26, 27
Great Britain .....	26, 27
Japan .....	26, 27



Reservations made to the Convention for the adaptation to maritime warfare of the principles of the Geneva Convention.....	26-29
China .....	26, 27
Great Britain .....	28, 29
Persia .....	28, 29
Turkey .....	28, 29

Reservations made to the Convention relative to the creation of an International Prize Court.....	28, 29
Chile .....	28, 29
Cuba .....	28, 29
Ecuador .....	28, 29
Guatemala .....	28, 29
Haiti .....	28, 29
Persia .....	28, 29
Salvador .....	28, 29
Siam .....	28, 29
Turkey .....	28, 29
Uruguay .....	28, 29

Reservations made to the Convention concerning the rights and duties of neutral Powers in naval war.....	30, 31
China .....	30, 31
Dominican Republic .....	30, 31
Germany .....	30, 31
Great Britain .....	30, 31
Japan .....	30, 31
Persia .....	30, 31
Siam .....	30, 31
Turkey .....	30, 31
United States .....	30, 31

Reservation made to the Final Act.....	30
Switzerland .....	30

TABLE OF DECLARATIONS AND ANNOUNCEMENTS OF THE EXISTENCE OF A STATE OF WAR BETWEEN BELLIGERENT POWERS IN THE PRESENT WAR. . . . .	32
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SIGNATURES, RATIFICATIONS, ADHESIONS  
AND RESERVATIONS

TO THE

CONVENTIONS AND DECLARATIONS OF THE  
FIRST CONFERENCE

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[illegible]



Abbreviations	I	II	III	IV(1)	IV(2)	IV(3)	Final Act
	Convention for the pacific settlement of international disputes	Convention with respect to the laws and customs of war on land	Convention for the adaptation to maritime warfare of the principles of the Geneva Convention	Declaration prohibiting the launching of projectiles or explosives from balloons	Declaration concerning asphyxiating gases	Declaration concerning expanding bullets	
S—signed. Rat.—ratified. Adh.—adhered. Res.—reservation.							
<b>Great Britain</b> .....	S	S	S res.	.....	.....	.....	S
Rat. Sept. 4, 1900; Adh. Aug. 30, 1907.	Rat.	Rat.	Rat.	.....	Adh.	Adh.	.....
<b>Greece</b> .....	S	S	S	S	S	S	S
Rat. Apr. 4, 1901.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Guatemala</b> .....	.....	.....	.....	.....	.....	.....	.....
Adh. June 15, 1907, May 2, 1906, and Apr. 6, 1903, as to Conventions I, II, and III, respectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....
<b>Haiti</b> .....	.....	.....	.....	.....	.....	.....	.....
Adh. June 15, 1907, May 24, 1907, and June 29, 1907, as to Conventions I, II, and III, respectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....
<b>Honduras</b> .....	.....	.....	.....	.....	.....	.....	.....
Adh. Aug. 21, 1906.....	.....	Adh.	Adh.	.....	.....	.....	.....
<b>Italy</b> .....	S	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Japan</b> .....	S	S	S	S	S	S	S
Rat. Oct. 6, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Korea</b> .....	.....	.....	.....	.....	.....	.....	.....
Adh. Mar. 17, 1903; Feb. 7, 1903, as to Convention III.	.....	Adh.	Adh.	.....	.....	.....	.....
<b>Luxemburg</b> .....	S	S	S	S	S	S	S
Rat. July 12, 1901.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Mexico</b> .....	S	S	S	S	S	S	S
Rat. Apr. 17, 1901.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Montenegro</b> .....	S	S	S	S	S	S	S
Rat. Oct. 16, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Netherlands</b> .....	S	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Nicaragua</b> .....	.....	.....	.....	.....	.....	.....	.....
Adh. June 15, 1907, as to Convention I; May 17, 1907, as to Conventions II and III; Oct. 11, 1907, as to Declarations 2 and 3.	Adh.	Adh.	Adh.	.....	Adh.	Adh.	.....
<b>Norway</b> <sup>1</sup> .....	S	S	S	S	S	S	S
Rat. Sept. 4, 1900; July 5, 1907, as to Convention II.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Panama</b> .....	.....	.....	.....	.....	.....	.....	.....
Adh. June 15, 1907, July 20, 1907, and July 22, 1907, as to Conventions I, II, and III, respectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....

<sup>1</sup>See footnote on p. 4.

<b>Abbreviations</b> S.—signed. Rat.—ratified. Adh.—adhered. Res.—reservation.	<b>I</b> Convention for the pacific settlement of international disputes	<b>II</b> Convention with respect to the laws and customs of war on land	<b>III</b> Convention for the adaptation to maritime warfare of the principles of the Geneva Convention	<b>IV(1)</b> Declaration prohibiting the launching of projectiles or explosives from balloons	<b>IV(2)</b> Declaration concerning asphyxiating gases	<b>IV(3)</b> Declaration concerning expanding bullets	<b>Final Act</b>
<b>Paraguay</b> .....	Adh.	Adh.	Adh.	.....	.....	.....	.....
Adh. June 15, 1907, April 12, 1907, and June 29, 1907, as to Conventions I, II, and III, respectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....
<b>Persia</b> .....	S	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Peru</b> .....	Adh.	Adh.	Adh.	.....	.....	.....	.....
Adh. Nov. 24, 1903; June 15, 1907, as to Convention I.	Adh.	Adh.	Adh.	.....	.....	.....	.....
<b>Portugal</b> .....	S	S	S	S	S	.....	S
Rat. Sept. 4, 1900; Adh. Aug. 29, 1907.	Rat.	Rat.	Rat.	Rat.	Rat.	Adh.	.....
<b>Roumania</b> .....	S res.	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat. res.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Russia</b> .....	S	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Salvador</b> .....	Adh.	Adh.	Adh.	.....	.....	.....	.....
Adh. June 20, 1902; June 20, 1907, as to Convention I.	Adh.	Adh.	Adh.	.....	.....	.....	.....
<b>Servia</b> .....	S res.	S	S	S	S	S	S
Rat. May 11, 1901.....	Rat. res.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Siam</b> .....	S	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Spain</b> .....	S	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Sweden</b> <sup>1</sup> .....	S	S	S	S	S	S	S
Rat. Sept. 4, 1900; July 5, 1907, as to Convention II.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
<b>Switzerland</b> .....	S	.....	S	S	S	S	S
Rat. Dec. 29, 1900, Adh. June 20, 1907.	Rat.	Adh.	Rat.	Rat.	Rat.	Rat.	.....
<b>Turkey</b> .....	S res.	S	S res.	S	S	S	S
Rat. June 12, 1907.....	Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....
<b>United States</b> .....	S res.	S	S res.	S	.....	.....	S
Rat. Sept. 4, 1900; Apr. 9, 1902, as to Convention II.	Rat. res.	Rat.	Rat.	Rat.	.....	.....	.....
<b>Uruguay</b> .....	Adh.	Adh.	Adh.	.....	.....	.....	.....
Adh. June 21, 1906; June 17, 1907, as to Convention I.	Adh.	Adh.	Adh.	.....	.....	.....	.....
<b>Venezuela</b> .....	Adh.	Adh.	Adh.	.....	.....	.....	.....
Adh. Mar. 1, 1907; June 15, 1907, as to Convention I.	Adh.	Adh.	Adh.	.....	.....	.....	.....

<sup>1</sup>Sweden and Norway constituted a Union until 1905. Action taken by them prior to that date was taken as a single Power.



RESERVATIONS AT SIGNATURE<sup>1</sup>

## CONVENTION I

**Roumania.** Under the reservations formulated with respect to Articles 16, 17 and 19 of the present Convention (15, 16 and 18 of the project presented by the committee on examination), and recorded in the *procès-verbal* of the sitting of the Third Commission of July 20, 1899.

*Extract from the procès-verbal:*

The Royal Government of Roumania being completely in favor of the principle of *facultative* arbitration, of which it appreciates the great importance in international relations, nevertheless does not intend to undertake, by Article 15, an engagement to accept arbitration in every case there provided for, and it believes it ought to form express reservations in that respect.

It can not therefore vote for this article, except under that reservation.

The Royal Government of Roumania declares that it can not adhere to Article 16 except with the express reservation, entered in the *procès-verbal*, that it has decided not to accept, in any case, an international arbitration for disagreements or disputes previous to the conclusion of the present Convention.

The Royal Government of Roumania declares that in adhering to Article 18 of the Convention, it makes no engagement in regard to obligatory arbitration.<sup>2</sup>

**Servia.** Under the reservations recorded in the *procès-verbal* of the Third Commission of July 20, 1899.

*Extract from the procès-verbal:*

In the name of the Royal Government of Servia, we have the honor to declare that our adoption of the principle of good offices and mediation does not imply a recognition of the right of third States to use these means except with the extreme reserve which proceedings of this delicate nature require.

We do not admit good offices and mediation except on condition that their character of purely friendly counsel is maintained fully and completely, and we never could accept them in forms and circumstances such as to impress upon them the character of intervention.<sup>3</sup>

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<sup>1</sup>All these reservations, except that of Turkey, were maintained at ratification.

<sup>2</sup>Declaration of Mr. Beldiman. *Procès-verbaux*, pt. iv, p. 48.

<sup>3</sup>Declaration of Mr. Miyatovitch. *Procès-verbaux*, pt. iv, p. 47.

## RESERVATIONS AT SIGNATURE.

## CONVENTION I (Continued)

**Turkey.** Under reservation of the declaration made in the plenary sitting of the Conference of July 25, 1899.

*Extract from the procès-verbal:*

The Turkish delegation, considering that the work of this Conference has been a work of high loyalty and humanity, destined solely to assure general peace by safeguarding the interests and the rights of each one, declares, in the name of its Government, that it adheres to the project just adopted, on the following conditions:

1. It is formally understood that recourse to good offices and mediation, to commissions of inquiry and arbitration is purely facultative and could not in any case assume an obligatory character or degenerate into interventions;

2. The Imperial Government itself will be the judge of the cases where its interests would permit it to admit these methods without its abstention or refusal to have recourse to them being considered by the signatory States as an unfriendly act.

It goes without saying that in no case could the means in question be applied to questions concerning interior regulation.<sup>1</sup>

**United States.** Under reservation of the declaration made at the plenary sitting of the Conference on the 25th of July, 1899.

*Extract from the procès-verbal:*

The delegation of the United States of America on signing the Convention for the pacific settlement of international disputes, as proposed by the International Peace Conference, makes the following declaration:

Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.<sup>2</sup>

## CONVENTION III

**Germany, Great Britain, Turkey and United States** signed with reservation of Article 10. [It was subsequently agreed, on an understanding reached by the Government of the Netherlands with the signatory Powers, to exclude Article 10 from all ratifications of the Convention.<sup>3</sup>]

<sup>1</sup>Declaration of Turkhan Pasha. *Procès-verbaux*, pt. i. p. 70. This reservation does not appear in the instrument of ratification.

<sup>2</sup>*Procès-verbaux*, pt. i, p. 69. Compare the reservation of the United States to the 1907 Convention I, *post*, p. 14.

<sup>3</sup>U. S. Statutes at Large, vol. 32, p. 1837.



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SIGNATURES, RATIFICATIONS, ADHESIONS  
AND RESERVATIONS

TO THE

CONVENTIONS AND DECLARATION OF THE  
SECOND CONFERENCE

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IX Conven- tion con- cerning bom- bard- ment by naval forces in time of war	X Conven- tion for the adap- ta- tion to mari- time warfare of the prin- ciples of the Geneva Conven- tion	XI Conven- tion rel- ative to certain restric- tions with regard to the exercise of the right of capture in naval war	XII Conven- tion rel- ative to the creation of an Intern- ational Prize Court	XIII Conven- tion con- cerning the rights and duties of neu- tral Powers in naval war	XIV Declara- tion pro- hibiting the dis- charge of pro- jectiles and explo- sives from balloons	XV Final Act	Protocol of Sep- tember 19, 1910, addi- tional to Hague Conven- tion XII on an Intern- ational Prize Court	
S	S	S	S	S	S	S	S	Argentine Republic
S	S	S	S	S	S	S	S	Austria-Hungary
Rat.	Rat.	Rat.	.....	Rat.	.....	.....	.....	
S	S	S	S	S	S	S	S	Belgium
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....	
S	S	S	S	S	S	S	S	Bolivia
Rat.	Rat.	.....	.....	.....	Rat.	.....	.....	
S	S	S	.....	S	S	S	.....	Brazil
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....	
S	S	S	S	S	S	S	S	Bulgaria
S res.	S	S	S res.	S	.....	S	S	Chile
.....	S res.	.....	.....	.....	S	S	.....	China
Adh.	Rat. res.	.....	.....	Adh. res.	Rat	.....	.....	
S	S	S	S	S	S	S	S	Colombia
S	S	S	S res.	.....	S	S	S	Cuba
Rat.	Rat.	.....	.....	.....	.....	.....	.....	
S	S	S	S	S	.....	S	S	Denmark
Rat.	Rat.	Rat.	.....	Rat.	.....	.....	.....	
S	S	S	.....	S res.	S	S	.....	Dominican Republic
S	S	S	S res.	S	S	S	S	Ecuador
S res.	S	S	S	S	.....	S	S	France
Rat. res.	Rat.	Rat.	.....	Rat.	.....	.....	.....	
S res.	S	S	S	S res.	.....	S	S	Germany
Rat. res.	Rat.	Rat.	.....	Rat. res.	.....	.....	.....	
S res.	S res.	S	S	S res.	S	S	S	Great Britain
Rat. res.	.....	Rat.	.....	.....	Rat.	.....	.....	
S	S	S	.....	S	S	S	.....	Greece
S	S	S	S res.	S	.....	S	S	Guatemala
Rat.	Rat.	Rat.	.....	Rat.	.....	.....	.....	
S	S	S	S res.	S	S	S	S	Haiti
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....	
S	S	S	S	S	.....	S	S	Italy
S res.	S	S	S	S res.	.....	S	S	Japan
Rat. res.	Rat.	Rat.	.....	Rat. res.	.....	.....	.....	
.....	.....	.....	.....	.....	.....	.....	.....	Liberia
Adh.	.....	Adh.	.....	Adh.	Adh.	.....	.....	
S	S	S	.....	S	S	S	.....	Luxemburg
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....	
S	S	S	S	S	.....	S	S	Mexico
Rat.	Rat.	Rat.	.....	Rat.	.....	.....	.....	

Abbreviations	<div> <div>I</div> <div>II</div> <div>III</div> <div>IV</div> <div>V</div> <div>VI</div> <div>VII</div> <div>VIII</div> </div>							
	Convention for the pacific settlement of international disputes	Convention respecting the limitation of the employment of force for the recovery of contract debts	Convention relative to the opening of hostilities	Convention respecting the laws and customs of war on land	Convention respecting the rights and duties of neutral Powers and persons in case of war on land	Convention relating to the status of enemy merchant ships at the outbreak of hostilities	Convention relating to the conversion of merchant ships into war-ships	Convention relative to the laying of automatic submarine contact mines
S—signed. Rat.—ratified. Adh.—adhered. Res.—reservation.								
Montenegro .....	S	S	S	S res.	S	S	S	.....
Netherlands .....	S	S	S	S	S	S	S	S
Rat. Nov. 27, 1909..	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Nicaragua .....	.....	.....	.....	.....	.....	.....	.....	.....
Adh. Dec. 16, 1909.	Adh.	Adh.res.	Adh.	Adh.	Adh.	Adh.	Adh.	Adh.
Norway .....	S	S	S	S	S	S	S	S
Rat. Sept. 19, 1910..	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Panama .....	S	S	S	S	S	S	S	S
Rat. Sept. 11, 1911..	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Paraguay .....	S	S	S	S	S	S	S	S
Persia .....	S	S	S	S	S	S	S	S
Peru .....	S	S res.	S	S	S	S	S	S
Portugal .....	S	S	S	S	S	S	S	.....
Rat. April 13, 1911..	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Roumania .....	S res.	.....	S	S	S	S	S	S
Rat. Mar. 1, 1912..	Rat.res.	.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Russia .....	S	S	S	S res.	S	S res.	S	.....
Rat. Nov. 27, 1909..	Rat.	Rat.	Rat.	Rat.res.	Rat.	Rat.res.	Rat.	.....
Salvador .....	S	S res.	S	S	S	S	S	S
Rat. Nov. 27, 1909..	Rat.	Rat.res.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Servia .....	S	S	S	S	S	S	S	S
Siam .....	S	.....	S	S	S	S	S	S res.
Rat. Mar. 12, 1910..	Rat.	.....	Rat.	Rat.	Rat	Rat.	Rat.	Rat.res.
Spain .....	S	S	S	.....	S	S	S	.....
Rat. Mar. 18, 1913..	Rat.	Rat.	Rat.	.....	Rat.	Rat.	Rat.	.....
Adh. Feb. 24, 1913.								
Sweden .....	S	.....	S	S	S	S	S	.....
Rat. Nov. 27, 1909; and July 13, 1911, as regards Convention X.	Rat.	.....	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Switzerland .....	S res.	.....	S	S	S	S	S	S
Rat. May 12, 1910..	Rat.res.	.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Turkey .....	S res.	S	S	S res.	S	S	S res.	S res.
United States .....	S res.	S	S	S	S	.....	.....	S
Rat. Nov. 27, 1909; Adh. Dec. 3, 1909.	Rat.res.	Rat.res.	Rat.	Rat.	Rat.	.....	.....	Rat.
Uruguay .....	S	S res.	S	S	S	S	.....	S
Venezuela .....	S	.....	S	S	S	S	S	S





## RESERVATIONS AT SIGNATURE

## CONVENTION I

**Brazil.** With reservation as to Article 53, paragraphs 2, 3, and 4.

**Chile.** Under reservation of the declaration formulated with regard to Article 39 in the seventh meeting of the First Commission on October 7.

*Extract from the procès-verbal:*

The delegation of Chile desires to make the following declaration in the name of its Government with respect to this article. Our delegation at the time of signing the Convention of 1899 for the pacific settlement of international disputes did so with the reservation that the adhesion of its Government as regards Article 17 would not include controversies or questions prior to the celebration of the Convention.

The delegation of Chile believes it to be its duty to-day to renew, with respect to the same provision, the reservation that it has previously made, although it may not be strictly necessary in view of the similar character of the provision.<sup>1</sup>

**Greece.** With the reservation of paragraph 2 of Article 53.

**Japan.** With reservation of paragraphs 3 and 4 of Article 48, of paragraph 2 of Article 53 and of Article 54.

**Roumania.** With the same reservations formulated by the Roumanian plenipotentiaries on signing the Convention for the pacific settlement of international disputes of July 29, 1899.<sup>2</sup>

**Switzerland.** Under reservation of Article 53, number 2.

**Turkey.** Under reservation of the declarations recorded in the *procès-verbal* of the ninth plenary session of the Conference held on October 16, 1907. (Continued, p. 14.)

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<sup>1</sup>Statement of Mr. Domingo Gana. *Actes et documents*, vol. ii, p. 121.

<sup>2</sup>See *ante*, p. 5.



## RESERVATIONS AT RATIFICATION

## CONVENTION I

**Brazil.** Reservation maintained in the act of ratification.

**Chile.** [Not yet ratified.]

**Greece.** [Not yet ratified.]

**Japan.** Reservation maintained in the act of ratification.

**Roumania.** Reservations maintained in the act of ratification.

**Switzerland.** Reservation maintained in the act of ratification.

**Turkey.** [Not yet ratified.]

## RESERVATIONS AT SIGNATURE

## CONVENTION I (Continued)

**Turkey** (Continued from p. 12)

*Extract from the procès-verbal:*

The Ottoman delegation declares, in the name of its Government, that while it is not unmindful of the beneficent influence which good offices, mediation, commissions of inquiry and arbitration are able to exercise on the maintenance of the pacific relations between states; in giving its adhesion to the whole of the draft, it does so on the understanding that such methods remain, as before, purely optional; it could in no case recognize them as having an obligatory character rendering them susceptible of leading directly or indirectly to an intervention.

The Imperial Government proposes to remain the sole judge of the occasions when it shall be necessary to have recourse to the different proceedings or to accept them without its determination on the point being liable to be viewed by the signatory States as an unfriendly act.

It is unnecessary to add that such methods should never be applied in cases of internal order.<sup>1</sup>

**United States.** Under reservation of the declaration made in the plenary session of the Conference held on October 16, 1907.

*Extract from the procès-verbal:*

Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.<sup>2</sup>

## CONVENTION II

**Argentine Republic.** The Argentine Republic makes the following reservations:

1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign government, recourse
- (Continued, p. 16.)

<sup>1</sup>Statements of Turkhan Pasha. *Actes et documents*, vol. i, p. 336.

<sup>2</sup>*Actes et documents*, vol. i, p. 335.



## RESERVATIONS AT RATIFICATION

## CONVENTION I (Continued)

**United States.** Reservation maintained in the act of ratification, which contains, besides, the following reservation:

That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in Article 53 of said Convention, to exclude the formulation of the *compromis* by the Permanent Court, and hereby excludes from the competence of the Permanent Court the power to frame the *compromis* required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the *compromis* required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

## CONVENTION II

**Argentine Republic.** [Not yet ratified.]

## RESERVATIONS AT SIGNATURE

## CONVENTION II (Continued)

**Argentine Republic** (Continued from p. 14)

shall not be had to arbitration except in the specific case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.

2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

**Bolivia.** Under the reservation stated to the First Commission.

*Extract from the procès-verbal:*

It seems to me, therefore, that the acceptance of the proposition before us will but mean the legitimation by the Peace Conference of a certain class of wars, or at least interventions based on disputes which relate neither to the honor nor vital interests of the creditor States.

In consequence of these forceful reasons, the delegation of Bolivia regrets not to give its entire assent to the proposition under discussion.<sup>1</sup>

**Colombia.** Colombia makes the following reservations:

It does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. It accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.

**Dominican Republic.** With the reservation made at the plenary session of October 16, 1907.

*Extract from the procès-verbal:*

The delegation of the Dominican Republic confirms its favorable vote on the proposal of the delegation of the United States relative to the limitation of the employment of force for the recovery of contract debts; but it renews its reservation as to the condition contained in this part of the clause: "or after accepting the offer, prevents any *compromis* from being agreed on," as its interpretation might lead to excessive consequences which would be the more regrettable as they are provided for and avoided in the plan of Article 53 of the new Convention for the pacific settlement of international disputes.<sup>2</sup>

**Ecuador.** With the reservations made at the plenary session of October 16, 1907.

*Extract from the procès-verbal:*

The delegation of Ecuador will vote affirmatively while maintaining the reservations made in the First Commission.<sup>3</sup>

<sup>1</sup>Statement of Mr. Claudio Pinilla. *Actes et documents*, vol. ii, p. 142.

<sup>2</sup>Statement of Mr. Apolinar Tejera. *Actes et documents*, vol. i, p. 337.

<sup>3</sup>Statement of Mr. Dorn y de Alsúa. *Actes et documents*, vol. i, p. 338.



RESERVATIONS AT RATIFICATION  
CONVENTION II (Continued)

**Bolivia.** [Not yet ratified.]

**Colombia.** [Not yet ratified.]

**Dominican Republic.** [Not yet ratified.]

**Ecuador.** [Not yet ratified.]

## RESERVATIONS AT SIGNATURE

## CONVENTION II (Continued)

**Greece.** With the reservation made at the plenary session of October 16, 1907.

*Extract from the procès-verbal:*

In the eighth meeting of the First Commission the Greek delegation, being without definite instructions, was obliged to reserve its vote on the subject of the proposition of the United States of America on the treatment of contract debts. We are to-day in a position to declare that the Royal Government accepts the said proposition, which has for its aim the doing away, by peaceful means, of differences between nations and the exclusion, conformably to the principles of international law, of the employment of armed force outside of armed conflicts. We consider, at the same time, that the provisions contained in paragraphs 2 and 3 of the text voted can not affect existing stipulations nor laws in force in the realm.<sup>1</sup>

**Guatemala.** 1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign government, recourse shall be had to arbitration only in case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.

2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.

**Nicaragua.** [Not a signatory Power.]

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<sup>1</sup>Statement of Mr. Rangabé. *Actes et documents*, vol. i, p. 336.



## RESERVATIONS AT RATIFICATION

## CONVENTION II (Continued)

**Greece.** [Not yet ratified.]

**Guatemala.** 1. Reservation maintained in the act of ratification.

2. Reservation maintained in the act of ratification.

**Nicaragua.** The act of adhesion contains the following reservations:

(a) With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign government, recourse shall be had to arbitration only in the specific case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

(b) Public loans secured by bond issues and constituting the national debt shall in no case give rise to military aggression or the material occupation of the soil of American nations.

## RESERVATIONS AT SIGNATURE

## CONVENTION II (Continued)

**Peru.** Under the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.

**Salvador.** We make the same reservations as the Argentine Republic above.

**United States.** [Signed without reservation.]

**Uruguay.** Under reservation of the first paragraph of Article 1, because the delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

## CONVENTION IV

**Austria-Hungary.** Under reservation of the declaration made in the plenary session of the Conference of August 17, 1907.

*Extract from the procès-verbal:*

The delegation of Austria-Hungary having accepted the new Article 22a, on condition that Article 44 of the Convention now in force be maintained as it is, can not consent to the Article 44a, proposed by the Second Commission.<sup>1</sup>

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<sup>1</sup>Statement of Mr. Mérey von Kapos-Mére. *Actes et documents*, vol. i, p. 86.



## RESERVATIONS AT RATIFICATION

## CONVENTION II (Continued)

**Peru.** [Not yet ratified.]

**Salvador.** Reservations maintained in the act of ratification.

**United States.** The act of ratification contains the following reservation:

That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of the differences referred to in said Convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.

**Uruguay.** [Not yet ratified.]

## CONVENTION IV

**Austria-Hungary.** Reservation maintained in the *procès-verbal* of deposit of ratifications.

## RESERVATIONS AT SIGNATURE

## CONVENTION IV (Continued)

**Germany.** Under reservation of Article 44 of the annexed Regulations.

**Japan.** With reservation of Article 44.

**Montenegro.** Under the reservations formulated as to Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

*Extract from the procès-verbal:*

The delegation of Montenegro has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a<sup>1</sup>

**Russia.** Under the reservations formulated as to Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

*Extract from the procès-verbal:*

The delegation of Russia has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a.<sup>2</sup>

**Turkey.** Under reservation of Article 3.

## CONVENTION V

**Argentine Republic.** The Argentine Republic makes reservation of Article 19.

**Great Britain.** Under reservation of Articles 16, 17 and 18.

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<sup>1</sup>Statement of Mr. Tcharykow. *Actes et documents*, vol. i, p. 86.

<sup>2</sup>Statement of Mr. Martens. *Actes et documents*, vol. i, p. 86.



## RESERVATIONS AT RATIFICATION

## CONVENTION IV (Continued)

**Germany.** Reservation maintained in the act of ratification.

**Japan.** Reservation maintained in the act of ratification.

**Montenegro.** [Not yet ratified.]

**Russia.** Reservations maintained in the act of ratification.

**Turkey.** [Not yet ratified.]

## CONVENTION V

**Argentine Republic.** [Not yet ratified.]

**Great Britain.** [Not yet ratified.]

## RESERVATIONS AT SIGNATURE

## CONVENTION VI

**Germany.** Under reservation of Article 3 and of Article 4, paragraph 2.<sup>1</sup>

**Russia.** Under the reservations made as to Article 3 and Article 4, paragraph 2, of the present Convention, and recorded in the minutes of the seventh plenary session of September 27, 1907.<sup>1</sup>

## CONVENTION VII

**Turkey.** Under reservation of the declaration made at the eighth plenary session of the Conference of October 9, 1907.

*Extract from the procès-verbal:*

The Imperial Ottoman Government does not engage to recognize as vessels of war, ships which, being in its waters or on the high seas under a merchant flag, are converted on the opening of hostilities.<sup>2</sup>

## CONVENTION VIII

**Dominican Republic.** With reservation as to the first paragraph of Article 1.

**France.** Under reservation of Article 2.

**Germany.** Under reservation of Article 2.

**Great Britain.** Under reservation of the following declaration:

In affixing their signatures to the above Convention the British plenipotentiaries declare that the mere fact that this Convention does not prohibit a particular act or proceeding must not be held to debar His Britannic Majesty's Government from contesting its legitimacy.

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<sup>1</sup>The German and Russian delegations considered that these provisions established an inequality between States in imposing financial burdens on those Powers which, lacking naval stations in different parts of the world, are not in a position to take vessels which they have seized into a port, but find themselves compelled to destroy them. *Actes et documents*, vol. i, p. 236; vol. iii, p. 918.

<sup>2</sup>*Actes et documents*, vol. i, p. 277.



## RESERVATIONS AT RATIFICATION

### CONVENTION VI

**Germany.** Reservation maintained in the act of ratification.

**Russia.** Reservations maintained in the act of ratification.

### CONVENTION VII

**Turkey.** [Not yet ratified.]

### CONVENTION VIII

**Dominican Republic.** [Not yet ratified.]

**France.** Reservation maintained in the act of ratification.

**Germany.** Reservation maintained in the act of ratification.

**Great Britain.** Reservation maintained in the act of ratification.

## RESERVATIONS AT SIGNATURE

## CONVENTION VIII (Continued)

**Siam.** Under reservation of Article 1, paragraph 1.

**Turkey.** Under reservation of the declarations recorded in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

*Extract from the procès-verbal:*

The Imperial Ottoman delegation can not at the present time undertake any engagement whatever for perfected systems which are not yet universally known. \* \* \* The Imperial Ottoman delegation believes that it should declare that, given the exceptional situation created by treaties in force of the straits of the Dardanelles and the Bosphorus, straits which are an integral part of the territory, the Imperial Government could not in any way subscribe to any undertaking tending to limit the means of defence that it may deem necessary to employ for these straits in case of war or with the aim of causing its neutrality to be respected. \* \* \* The Imperial Ottoman delegation can not at the present time take part in any engagement as regards the conversion mentioned in Article 6.<sup>1</sup>

## CONVENTION IX

**Chile.** Under the reservation of Article 3 made at the fourth plenary session of August 17.

*Extract from procès-verbal:*

The delegation of Chile makes reservation as to Article 3.<sup>2</sup>

**France.** Under reservation of the second paragraph of Article 1.

**Germany.** Under reservation of Article 1, paragraph 2.

**Great Britain.** Under reservation of the second paragraph of Article 1.

**Japan.** With reservation of paragraph 2 of Article 1.

## CONVENTION X

**China.** Under reservation of Article 21.

<sup>1</sup>Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 280.

<sup>2</sup>Statement of Mr. Domingo Gana. *Actes et documents*, vol. i, p. 90.



## RESERVATIONS AT RATIFICATION

## CONVENTION VIII (Continued)

**Siam.** Reservation maintained in the act of ratification.

**Turkey.** [Not yet ratified.]

## CONVENTION IX

**Chile.** [Not yet ratified.]

**France.** Reservation maintained in the act of ratification.

**Germany.** Reservation maintained in the act of ratification.

**Great Britain.** Reservation maintained in the act of ratification.

**Japan.** Reservation maintained in the act of ratification.

## CONVENTION X

**China.** Reservation maintained in the act of ratification.

## RESERVATIONS AT SIGNATURE

## CONVENTION X (Continued)

**Great Britain.** Under reservation of Articles 6 and 21 and of the following declaration:

In affixing their signatures to the above Convention, the British plenipotentiaries declare that His Majesty's Government understand Article 12 to apply only to the case of combatants rescued during or after a naval engagement in which they have taken part.

**Persia.** Under reservation of the right, admitted by the Conference, to use the Lion and Red Sun instead of and in the place of the Red Cross.

**Turkey.** Under reservation of the right admitted by the Peace Conference to use the Red Crescent.

## CONVENTION XII

**Chile.** Under the reservation of Article 15 made at the sixth plenary session of September 21.

**Cuba.** Under reservation of Article 15.

**Ecuador.** Under reservation of Article 15.

**Guatemala.** Under the reservations made concerning Article 15.

**Haiti.** With reservation regarding Article 15.

**Persia.** Under reservation of Article 15.

**Salvador.** Under reservation of Article 15.

**Siam.** Under reservation of Article 15.

**Turkey.** Under reservation of Article 15.

**Uruguay.** Under reservation of Article 15.



## RESERVATIONS AT RATIFICATION

## CONVENTION X (Continued)

**Great Britain.** [Not yet ratified.]

**Persia.** [Not yet ratified.]

**Turkey.** [Not yet ratified.]

## CONVENTION XII

**Chile.** [Not yet ratified.]

**Cuba.** [Not yet ratified.]

**Ecuador.** [Not yet ratified.]

**Guatemala.** [Not yet ratified.]

**Haiti.** [Not yet ratified.]

**Persia.** [Not yet ratified.]

**Salvador.** [Not yet ratified.]

**Siam.** [Not yet ratified.]

**Turkey.** [Not yet ratified.]

**Uruguay.** [Not yet ratified.]

## RESERVATIONS AT SIGNATURE

## CONVENTION XIII

**China.** [Not a signatory Power.]

**Dominican Republic.** With reservation regarding Article 12.

**Germany.** Under reservation of Articles 11, 12, 13 and 20.

**Great Britain.** Under reservation of Articles 19 and 23.

**Japan.** With reservation of Articles 19 and 23.

**Persia.** Under reservation of Articles 12, 19 and 21.

**Siam.** Under reservation of Articles 12, 19, and 23.

**Turkey.** Under reservation of the declaration concerning Article 10 contained in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

*Extract from the procès-verbal:*

The Ottoman delegation declares that the straits of the Dardanelles and the Bosphorus can not in any case be referred to by Article 10. The Imperial Government could undertake no engagement whatever tending to limit its undoubted rights over these straits.<sup>1</sup>

**United States.** [Not a signatory Power.]

FINAL ACT<sup>2</sup>

**Switzerland.** Under reservation of *vœu* No. 1, which the Swiss Federal Council does not accept.

<sup>1</sup>Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 285.

<sup>2</sup>The Final Act, being a summary of the proceedings of the Conference, is not a conventional agreement and accordingly is not ratified.



## RESERVATIONS AT RATIFICATION

## CONVENTION XIII

**China.** Adhesion with reservation of paragraph 2 of Article 14, paragraph 3 of Article 19, and of Article 27.

**Dominican Republic.** [Not yet ratified.]

**Germany.** Reservation maintained in the act of ratification.

**Great Britain.** [Not yet ratified.]

**Japan.** Reservation maintained in the act of ratification.

**Persia.** [Not yet ratified.]

**Siam.** Reservation maintained in the act of ratification.

**Turkey.** [Not yet ratified.]

**United States.** The act of adhesion contains the following reservation:

That the United States adheres to the said Convention, subject to the reservation and exclusion of its Article 23 and with the understanding that the last clause of Article 3 thereof implies the duty of a neutral Power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction.

TABLE of Dates of Declarations of War, Severance of Diplomatic Relations, Commencement of Hostilities, and Announcements of the Existence of a State of War as between Powers Concerned in the Present War.

COUNTRIES		DATE
1	AUSTRIA-HUNGARY-SERVIA <sup>1</sup>	July 28, 1914
2	GERMANY-RUSSIA <sup>1</sup>	August 1, “
3	GERMANY-FRANCE <sup>1</sup>	August 3, “
4	GERMANY-BELGIUM <sup>2</sup>	August 4, “
5	GREAT BRITAIN-GERMANY <sup>3</sup>	August 4, “
6	AUSTRIA-HUNGARY-RUSSIA <sup>1</sup>	August 6, “
7	MONTENEGRO-AUSTRIA-HUNGARY <sup>4</sup>	August 7, “
8	MONTENEGRO-GERMANY <sup>5</sup>	August 9, “
9	SERVIA-GERMANY <sup>6</sup>	August 9, “
10	FRANCE-AUSTRIA-HUNGARY <sup>1</sup>	August 13, “
11	GREAT BRITAIN-AUSTRIA-HUNGARY <sup>1</sup>	August 13, “
12	JAPAN-GERMANY <sup>1</sup>	August 23, “
13	AUSTRIA-HUNGARY-JAPAN <sup>7</sup>	August 27, “
14	AUSTRIA-HUNGARY-BELGIUM <sup>1</sup>	August 28, “
15	RUSSIA-TURKEY <sup>8</sup>	November 3, “
16	FRANCE-TURKEY <sup>9</sup>	November 5, “
17	GREAT BRITAIN-TURKEY <sup>1</sup>	November 5, “

<sup>1</sup>Records of the Department of State of the United States.

<sup>2</sup>Belgian Grey Paper, Documents Nos. 27, 31, 40.

<sup>3</sup>London *Gazette*, August 5, 1914.

<sup>4</sup>London *Times*, August 10, 1914.

<sup>5</sup>London *Times*, August 12, 1914.

<sup>6</sup>New York *Times*, August 10, 1914.

<sup>7</sup>Japanese *Official Gazette*, September 6, 1914.

<sup>8</sup>London *Times*, November 4, 1914.

<sup>9</sup>London *Times*, November 6, 1914.



I

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

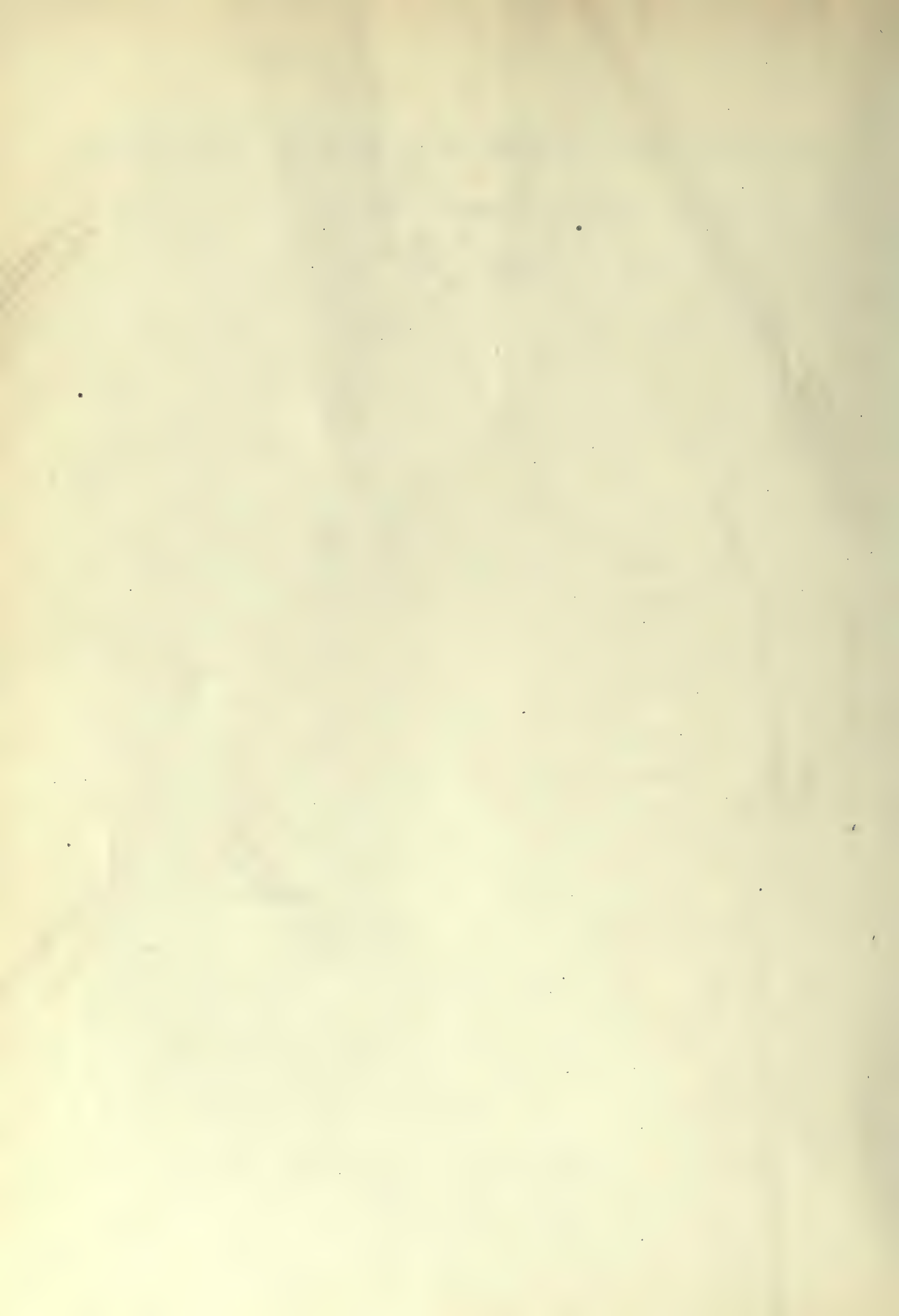
Pamphlet No. 4

## THE HAGUE CONVENTIONS OF 1899 (I) AND 1907 (I) FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

*pp. I, II, 1-48  
in plates*

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1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai-29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin-18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.



# THE HAGUE CONVENTIONS OF 1899 (I) AND 1907 (I) FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

1899

CONVENTION (I) for the pacific settlement of international disputes.—Signed at The Hague, July 29, 1899.

His Majesty the German Emperor, King of Prussia; [etc.] :

Animated by a strong desire to concert for the maintenance of the general peace;

Resolved to second by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

1907

CONVENTION (I) for the pacific settlement of international disputes.—Signed at The Hague, October 18, 1907.\*

His Majesty the German Emperor, King of Prussia; [etc.] :

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a tribunal of arbitration, accessible to all, in the midst of independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration;

Purpose of  
Convention.

\*Italics indicate differences between the Conventions of 1899 and 1907.

1899

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Plenipotentiaries.

Being desirous of concluding a Convention to this effect, have appointed as their plenipotentiaries, to wit:

[Here follow the names of plenipotentiaries.]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

Maintenance of general peace.

#### TITLE I.—ON THE MAINTENANCE OF THE GENERAL PEACE

##### ARTICLE 1

With a view to obviating, as far as possible, recourse to force in

Peaceful settlement of differences.

1907

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous, *with this object, of insuring the better working in practice of commissions of inquiry and tribunals of arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;*

*Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;*

*The high contracting Parties have resolved to conclude a new Convention for this purpose, and have appointed the following as their plenipotentiaries:*

[Here follow the names of plenipotentiaries.]

Who, after having *deposited* their full powers, found in good and due form, have agreed upon the following:

#### PART I.—THE MAINTENANCE OF GENERAL PEACE

##### ARTICLE 1

With a view to obviating as far as possible recourse to force in the



1899

the relations between States, the signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

TITLE II.—ON GOOD OFFICES  
AND MEDIATION

ARTICLE 2

In case of serious disagreement or conflict, before an appeal to arms, the signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE 3

Independently of this recourse, the signatory Powers recommend that one or more Powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

1907

relations between States, the *contracting* Powers agree to use their best efforts to insure the pacific settlement of international differences.

PART II.—GOOD OFFICES AND Good offices  
and mediation.  
MEDIATION

ARTICLE 2

In case of serious disagreement or dispute, before an appeal to arms, the *contracting* Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers. Recourse to  
good offices of  
friendly Powers.

ARTICLE 3

Independently of this recourse, the *contracting* Powers deem it expedient *and desirable* that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the States at variance. Offers of,  
mediation.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities. During  
hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act. Not an  
unfriendly act.

1899

## ARTICLE 4

Function of  
mediator.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

## ARTICLE 5

End of media-  
tor's functions.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

## ARTICLE 6

Not binding.

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never have binding force.

## ARTICLE 7

War measures  
not interrupted.

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities it causes no interruption to the military operations in progress, un-

1907

## ARTICLE 4

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

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The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

## ARTICLE 6

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of Powers strangers to the dispute have exclusively the character of advice, and never have binding force.

## ARTICLE 7

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of



1899

less there be an agreement to the contrary.

## ARTICLE 8

The signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

## TITLE III.—ON INTERNATIONAL COMMISSIONS OF INQUIRY

## ARTICLE 9

In differences of an international nature involving neither

1907

an agreement to the contrary.

## ARTICLE 8

The *contracting* Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering peace, the States at variance choose respectively a Power, to which they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

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## PART III.—INTERNATIONAL COMMISSIONS OF INQUIRY

## ARTICLE 9

In disputes of an international nature involving neither honor

Special mediation.

Choosing mediators.

Direct communication to cease between States in dispute.

Efforts to restore peace.

International commissions of inquiry.

Investigations of differences of opinion as to facts.

1899

honor nor vital interests, and arising from a difference of opinion on points of fact, the signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

## ARTICLE 10

The international commissions of inquiry are constituted by special agreement between the parties in conflict.

The convention for an inquiry defines the facts to be examined and the extent of the commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.<sup>1</sup>

The form and the periods to be observed, if not stated in the inquiry convention, are decided by the commission itself.

1907

nor vital interests, and arising from a difference of opinion on points of fact, the *contracting* Powers deem it expedient *and desirable* that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

## ARTICLE 10

International commissions of inquiry are constituted by special agreement between the parties in dispute.

The inquiry convention defines the facts to be examined; *it determines the mode and time in which the commission is to be formed*, and the extent of the powers of the commissioners.

*It also determines, if there is need, where the commission is to sit, and whether it may remove to another place, the language the commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.*

Special agreements.

Extent of commission's jurisdiction.

Meetings, etc.

<sup>1</sup>This provision appears in Article 19 of the 1907 Convention, *post*, p. 9.



1899

1907

*If the parties consider it necessary to appoint assessors, the convention of inquiry shall determine the mode of their selection and the extent of their powers.* Assessors.

## ARTICLE 11

*If the inquiry convention has not determined where the commission is to sit, it will sit at The Hague.* Place of meeting, etc.

*The place of meeting, once fixed, can not be altered by the commission except with the assent of the parties.*

*If the inquiry convention has not determined what languages are to be employed, the question shall be decided by the commission.*

## ARTICLE 11

The international commissions of inquiry are formed, unless otherwise stipulated, in the manner fixed by Article 32 of the present convention.

## ARTICLE 12

Unless an undertaking is made to the contrary, commissions of inquiry shall be formed in the manner determined by Articles 45 and 57 of the present Convention. Formation.

## ARTICLE 13

*Should one of the commissioners or one of the assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.* Filling vacancies.

1899

1907

## ARTICLE 14

Special agents.

*The parties are entitled to appoint special agents to attend the commission of inquiry, whose duty it is to represent them and to act as intermediaries between them and the commission.*

Counsel.

*They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the commission.*

## ARTICLE 15

Assistance of  
International  
Bureau.

*The International Bureau of the Permanent Court of Arbitration acts as registry for the commissions which sit at The Hague, and shall place its offices and staff at the disposal of the contracting Powers for the use of the commission of inquiry.*

## ARTICLE 16

Registry.

*If the commission meets elsewhere than at The Hague, it appoints a secretary general, whose office serves as registry.*

Functions.

*It is the function of the registry, under the control of the president, to make the necessary arrangements for the sittings of the commission, the preparation of the minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.*



1899

1907

## ARTICLE 17

*In order to facilitate the constitution and working of commissions of inquiry, the contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.*

General rules  
of procedure.

## ARTICLE 18

*The commission shall settle the details of the procedure not covered by the special inquiry convention or the present Convention, and shall arrange all the formalities required for dealing with the evidence.*

Further details.

## ARTICLE 19

*On the inquiry both sides must be heard.<sup>1</sup>*

Hearings.

*At the dates fixed, each party communicates to the commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.*

## ARTICLE 20

*The commission is entitled, with the assent of the Powers, to move temporarily to any place*

Change of  
meeting place.

<sup>1</sup>See Article 10 of the 1899 Convention, *ante*, p. 6.

1899

1907

*where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the State on whose territory it is proposed to hold the inquiry.*

## ARTICLE 21

*Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.*

## ARTICLE 22

*The commission is entitled to ask from either party for such explanations and information as it considers necessary.*

## ARTICLE 12

The Powers in dispute engage to supply the international commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

## ARTICLE 23

The parties undertake to supply the commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

*They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the commission.*

Presence at  
investigations.

Explanations,  
etc.

Presenting  
evidence.

Appearance  
of witnesses.



1899

1907

*If the witnesses or experts are unable to appear before the commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.*

Depositions.

## ARTICLE 24

*For all notices to be served by the commission in the territory of a third contracting Power, the commission shall apply direct to the Government of the said Power. The same rule applies in the case of steps being taken on the spot to procure evidence.*

Serving notice in other countries.

*The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They can not be rejected unless the Power in question considers they are calculated to impair its sovereign rights or its safety.*

*The commission will equally be always entitled to act through the Power on whose territory it sits.*

## ARTICLE 25

*The witnesses and experts are summoned on the request of the parties or by the commission of its own motion, and, in every case, through the Government of the State in whose territory they are.*

Summoning witnesses.

1899

Hearings.

Examination  
of witnesses.Restriction  
on witnesses.

1907

*The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the commission.*

## ARTICLE 26

*The examination of witnesses is conducted by the president.*

*The members of the commission may however put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.*

*The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the president to put such additional questions to the witness as they think expedient.*

## ARTICLE 27

*The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the president to consult notes or documents if the nature of the facts referred to necessitates their employment.*



1899

1907

## ARTICLE 28

*A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.*

Transcript  
of evidence.

*When the whole of his statement has been read to the witness, he is asked to sign it.*

## ARTICLE 29

*The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.*

Statements  
by agents.

## ARTICLE 30

*The commission considers its decisions in private and the proceedings are secret.*

Decisions of  
commission.

*All questions are decided by a majority of the members of the commission.*

Majority  
to decide.

*If a member declines to vote, the fact must be recorded in the minutes.*

Record of  
declining  
to vote.

## ARTICLE 31

*The sittings of the commission are not public, nor the minutes and documents connected with the inquiry published except in*

Sittings, etc.,  
not public.

1899

Termination  
of inquiry.

## ARTICLE 13

Report.

The international commission of inquiry communicates its report to the conflicting Powers, signed by all the members of the commission.

Reading  
of report.

## ARTICLE 14

Effect  
of report.

The report of the international commission of inquiry is limited to a statement of facts, and has in no way the character of an arbitral award. It leaves the

1907

*virtue of a decision of the commission taken with the consent of the parties.*

## ARTICLE 32

*After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the president declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.*

## ARTICLE 33

The report is signed by all the members of the commission.

*If one of the members refuses to sign, the fact is mentioned; but the validity of the report is not affected.*

## ARTICLE 34

*The report of the commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.*

*A copy of the report is given to each party.*

## ARTICLE 35

The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the



1899

conflicting Powers entire freedom as to the effect to be given to this statement.

1907

effect to be given to the statement.

## ARTICLE 36

*Each party pays its own expenses and an equal share of the expenses incurred by the commission.* Expenses.

## TITLE IV.—ON INTERNATIONAL ARBITRATION

CHAPTER I.—*On the System of Arbitration*

## ARTICLE 15

International arbitration has for its object the settlement of differences between States by judges of their own choice, and on the basis of respect for law.

## PART IV.—INTERNATIONAL ARBITRATION

CHAPTER I.—*The System of Arbitration* System.

## ARTICLE 37

International arbitration has for its object the settlement of disputes between States by judges of their own choice and on the basis of respect for law. Object.

Recourse to arbitration implies an engagement to submit in good faith to the award.<sup>1</sup> Submission to award.

## ARTICLE 16

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

## ARTICLE 38

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the *contracting* Powers as the most effective, and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle. Recognition by Powers.

*Consequently, it would be de-* Recourse to its use.

<sup>1</sup>Cf. Article 18 of the 1899 Convention, *post*, p. 16.

1899

## ARTICLE 17

The arbitration convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

## ARTICLE 18

The arbitration convention implies the engagement to submit loyally to the award.<sup>1</sup>

## ARTICLE 19

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later, new agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

1907

*sirable that, in disputes about the above-mentioned questions, the contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.*

## ARTICLE 39

The arbitration convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

## ARTICLE 40

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the *contracting* Powers, the said Powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

Questions to be considered.

Extension of principle reserved.

<sup>1</sup>Cf. Article 37, paragraph 2, of the 1907 Convention, *ante*, p. 15.



1899

CHAPTER II.—*On the Permanent Court of Arbitration*

## ARTICLE 20

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the signatory Powers undertake to organize a Permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present Convention.

## ARTICLE 21

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special tribunal.

## ARTICLE 22

An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

1907

CHAPTER II.—*The Permanent Court of Arbitration* Permanent Court of Arbitration.

## ARTICLE 41

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the *contracting* Powers undertake to *maintain the* Permanent Court of Arbitration, *as established by the First Peace Conference*, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present Convention. Maintenance agreed to.

## ARTICLE 42

The Permanent Court *is* competent for all arbitration cases, unless the parties agree to institute a special tribunal. Authority.

## ARTICLE 43

The Permanent Court sits at The Hague.<sup>1</sup> Location.

An International Bureau serves as registry for the Court. It is the channel for communications relative to the meetings of the Court; it has charge of the archives and conducts all the administrative business. International Bureau. Purpose, etc.

<sup>1</sup>Cf. Article 25, paragraph 1, of the 1899 Convention, *post*, p. 21.

Awards of  
special  
tribunals.

## 1899

The signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special tribunals.

Execution  
of awards.

They undertake also to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the Court.

## ARTICLE 23

Selection  
of arbitrators.

Within the three months following its ratification of the present Act, each signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrators.

List of members.

The persons thus selected shall be inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the signatory Powers.

Changes.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the signatory Powers.

Selection  
in common.

Two or more Powers may agree on the selection in common of one or more members.

The same person can be selected by different Powers.

## 1907

The *contracting* Powers undertake to communicate to the Bureau, *as soon as possible*, a certified copy of any conditions of arbitration arrived at between them and of any award concerning them delivered by a special tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the Court.

## ARTICLE 44

Each *contracting* Power *selects* four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

The persons thus selected *are* inscribed, as members of the Court, in a list which shall be notified to all the *contracting* Powers by the Bureau.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the *contracting* Powers.

Two or more Powers may agree on the selection in common of one or more members.

The same person can be selected by different Powers.



## 1899

The members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

## ARTICLE 24

When the signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the arbitrators called upon to form the competent tribunal to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, and these together choose an umpire.

If the votes are equal, the choice of the umpire is intrusted to a third Power, selected by the parties by common accord.

## 1907

The members of the Court are appointed for a term of six years. These appointments are renewable.

Term of service.

Should a member of the Court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. *In this case the appointment is made for a fresh period of six years.*

Vacancies.

## ARTICLE 45

When the *contracting* Powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the arbitrators called upon to form the tribunal with jurisdiction to decide this difference must be chosen from the general list of members of the Court.

Powers to choose tribunal.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Failure of direct agreement.

Each party appoints two arbitrators, *of whom one only can be its national or chosen from among the persons selected by it as members of the Permanent Court.* These arbitrators together choose an umpire.

Appointment of separate arbitrators.

If the votes are equally divided, the choice of the umpire is intrusted to a third Power, selected by the parties by common accord.

Umpire.

## 1899

Selection by  
other Powers.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the umpire is made in concert by the Powers thus selected.

Determination  
of umpire  
in case of  
disagreement.

Notification  
to Bureau.

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the arbitrators.

Notification  
to arbitrators.

Meeting of  
tribunal.

The tribunal of arbitration assembles on the date fixed by the parties.

Diplomatic  
privileges.

The members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

## 1907

If an agreement is not arrived at on this subject each party selects a different Power, and the choice of the umpire is made in concert by the Powers thus selected.

*If, within two months' time, these two Powers can not come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.*

## ARTICLE 46

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court, *the text of their compromis*, and the names of the arbitrators.

*The Bureau communicates without delay to each arbitrator the compromis, and the names of the other members of the tribunal.*

The tribunal assembles at the date fixed by the parties. *The Bureau makes the necessary arrangements for the meeting.*

The members of the *tribunal*, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.



1899

## ARTICLE 25

The tribunal of arbitration has its ordinary seat at The Hague.<sup>1</sup>

Except in cases of necessity, the place of session can only be altered by the tribunal with the assent of the parties.

## ARTICLE 26

The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the signatory Powers for the operations of any special board of arbitration.

The jurisdiction of the Permanent Court, may, within the conditions laid down in the regulations, be extended to disputes between non-signatory Powers, or between signatory Powers and non-signatory Powers, if the parties are agreed on recourse to this tribunal.

## ARTICLE 27

The signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and

1907

## ARTICLE 47

The Bureau is authorized to place its offices and staff at the disposal of the *contracting* Powers for the use of any special board of arbitration.

Use of Bureau for special boards.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between *non-contracting* Powers or between *contracting* Powers and *non-contracting* Powers, if the parties are agreed on recourse to this tribunal.

Extension to non-contracting Powers.

## ARTICLE 48

The *contracting* Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Notifying disputants.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present Convention, and the

Regarded as a friendly act.

<sup>1</sup>Cf. Article 43, paragraph 1, of the 1907 Convention, *ante*, p. 17.

1899

the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

Offer for  
arbitration.

Notice to  
other Power.

Administrative  
Council.

A Permanent Administrative Council, composed of the diplomatic representatives of the signatory Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as president, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

Functions.

It will settle its rules of procedure and all other necessary regulations.

1907

advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

*In case of dispute between two Powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.*

*The Bureau must at once inform the other Power of the declaration.*

ARTICLE 49

*The Permanent Administrative Council, composed of the diplomatic representatives of the contracting Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as president, is charged with the direction and control of the International Bureau.*

The Council *settles* its rules of procedure and all other necessary regulations.



1899

It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension or dismissal of the officials and employes of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the signatory Powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the Court, the working of the administration, and the expenses.

## ARTICLE 29

The expenses of the Bureau shall be borne by the signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

1907

It *decides* all questions of administration which may arise with regard to the operations of the Court.

It *has* entire control over the appointment, suspension, or dismissal of the officials and employes of the Bureau.

It *fixes* the payments and salaries, and controls the general expenditure.

At meetings duly summoned the presence of *nine* members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes. Quorum, etc.

The Council communicates to the *contracting* Powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the Court, the working of the administration, and the expenditure. *The report likewise contains a résumé of what is important in the documents communicated to the Bureau by the Powers in virtue of Article 43, paragraphs 3 and 4.* Regulations.  
Annual report.

## ARTICLE 50

The expenses of the Bureau shall be borne by the *contracting* Powers in the proportion fixed for the International Bureau of the Universal Postal Union. Expenses.

*The expenses to be charged to the adhering Powers shall be reck-*

1899

Procedure.

CHAPTER III.—*On Arbitral Procedure*

## ARTICLE 30

General rules.

With a view to encourage the development of arbitration, the signatory Powers have agreed on the following rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

## ARTICLE 31

Compromis.  
Contents.

The Powers who have recourse to arbitration sign a special act (*compromis*), in which the subject of the difference is clearly defined, as well as the extent of the arbitrators' powers. This act implies the undertaking of the parties to submit loyally to the award.<sup>1</sup>

Further  
conditions.

1907

*oned from the date on which their  
adhesion comes into force.*

CHAPTER III.—*Arbitration Procedure*

## ARTICLE 51

With a view to encouraging the development of arbitration, the *contracting* Powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

## ARTICLE 52

The Powers which have recourse to arbitration sign a *compromis*, in which the subject of the dispute is clearly defined, *the time allowed for appointing arbitrators, the form, order, and time in which the communication referred to in Article 63 must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.*

*The compromis likewise defines, if there is occasion, the manner of appointing arbitrators, any special powers which may eventually belong to the tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which the parties are agreed.*

<sup>1</sup>Cf. Article 37, paragraph 2, of the 1907 Convention, *ante*, p. 15.



1899

1907

## ARTICLE 53

*The Permanent Court is competent to settle the compromis, if the parties are agreed to have recourse to it for the purpose.*

Settlement by  
Permanent  
Court.

*It is similarly competent, even if the request is only made by one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of—*

Requests by  
one Power.

*1. A dispute covered by a general treaty of arbitration concluded or renewed after the present Convention has come into force, and providing for a compromis in all disputes and not either explicitly or implicitly excluding the settlement of the compromis from the competence of the Court. Recourse can not, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.*

Disputes under  
arbitration  
treaties.

Exception.

*2. A dispute arising from contract debts claimed from one Power by another Power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condi-*

Contract debts.

1899

Selection of  
commission.

## ARTICLE 32

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Act.

Disagreements.

Failing the constitution of the tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two arbitrators, and these latter together choose an umpire.

In case of equal voting, the choice of the umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the umpire is made in concert by the Powers thus selected.

1907

*tion that the compromis should be settled in some other way.*

## ARTICLE 54

*In the cases contemplated in the preceding article, the compromis shall be settled by a commission consisting of five members selected in the manner arranged for in Article 45, paragraphs 3 to 6.*

*The fifth member is president of the commission ex officio.*

## ARTICLE 55

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Convention.

Failing the constitution of the tribunal by direct agreement between the parties, the course *referred to in Article 45, paragraphs 3 to 6, is followed.*



1899

## ARTICLE 33

When a sovereign or the chief of a State is chosen as arbitrator, the arbitral procedure is settled by him.

## ARTICLE 34

The umpire is by right president of the tribunal.

When the tribunal does not include an umpire, it appoints its own president.

## ARTICLE 35

In case of the death, retirement, or disability from any cause of one of the arbitrators, his place shall be filled in accordance with the method of his appointment.

## ARTICLE 36

The tribunal's place of session is selected by the parties. Failing this selection the tribunal sits at The Hague.

1907

## ARTICLE 56

When a sovereign or the chief of a State is chosen as arbitrator, the arbitration procedure is settled by him.

Arbitration by a sovereign, etc

## ARTICLE 57

The umpire is president of the tribunal ex officio.

President of tribunal.

When the tribunal does not include an umpire, it appoints its own president.

## ARTICLE 58

*When the compromis is settled by a commission, as contemplated in Article 54, and in the absence of an agreement to the contrary, the commission itself shall form the arbitration tribunal.*

Tribunal formed by commission.

## ARTICLE 59

Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

Vacancies.

## ARTICLE 60

The tribunal sits at The Hague, unless some other place is selected by the parties.

Sessions.

*The tribunal can only sit in the territory of a third Power with the latter's consent.*

## 1899

The place thus fixed can not, except in case of necessity, be changed by the tribunal without the assent of the parties.

Selection  
of language.

## ARTICLE 37

Agents.

The parties have the right to appoint delegates or special agents to attend the tribunal, for the purpose of serving as intermediaries between them and the tribunal.

Counsel.

They are further authorized to retain, for the defense of their rights and interests before the tribunal, counsel or advocates appointed by them for this purpose.

Restriction on  
members of  
Permanent  
Court.

## ARTICLE 38

The tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.<sup>2</sup>

## 1907

The place of meeting once fixed can not be altered by the tribunal, except with the consent of the parties.

## ARTICLE 61

*If the question as to what languages are to be used has not been settled by the compromis, it shall be decided by the tribunal.<sup>1</sup>*

## ARTICLE 62

The parties are entitled to appoint special agents to attend the tribunal to act as intermediaries between themselves and the tribunal.

They are further authorized to retain for the defence of their rights and interests before the tribunal counsel or advocates appointed by themselves for this purpose.

*The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the Power which appointed them members of the Court.*

<sup>1</sup>Cf. Article 38 of the 1899 Convention, below.

<sup>2</sup>Cf. Article 61 of the 1907 Convention, above.



1899

## ARTICLE 39

As a general rule the arbitral procedure comprises two distinct phases: preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the members of the tribunal and to the opposite party of all printed or written acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the tribunal in accordance with Article 49.

Discussion consists in the oral development before the tribunal of the arguments of the parties.

## ARTICLE 40.

Every document produced by one party must be communicated to the other party.

1907

## ARTICLE 63

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions. Procedure.

The pleadings consist in the communication by the respective agents to the members of the tribunal and the opposite party of *cases, counter-cases, and, if necessary, of replies; the parties annex thereto all papers and documents* called for in the case. This communication shall be made *either directly or through the intermediary of the International Bureau*, in the order and within the time fixed by the *compromis*. Pleadings.

*The time fixed by the compromis may be extended by mutual agreement by the parties, or by the tribunal when the latter considers it necessary for the purpose of reaching a just decision.* Extension of time.

The discussions consist in the oral development before the tribunal of the arguments of the parties. Oral discussions.

## ARTICLE 64

*A certified copy of every document produced by one party must be communicated to the other party.* Exchange of documents.

## 1899

Meeting of  
tribunal.

## ARTICLE 41

Discussions.

The discussions are under the direction of the president.

Public.

They are only public if it be so decided by the tribunal, with the assent of the parties.

Record.

They are recorded in the procès-verbaux drawn up by the secretaries appointed by the president. These procès-verbaux alone have an authentic character.

## ARTICLE 42

Limiting  
discussions.

When the preliminary examination is concluded, the tribunal has the right to refuse discussion of all fresh acts or documents which one party may desire to submit to it without the consent of the other party.

## ARTICLE 43

Admission of  
new evidence.

The tribunal is free to take into consideration fresh acts or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these acts or documents,

## 1907

## ARTICLE 65

*Unless special circumstances arise, the tribunal does not meet until the pleadings are closed.*

## ARTICLE 66

The discussions are under the control of the president.

They are only public if it be so decided by the tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the secretaries appointed by the president. These minutes *are signed by the president and by one of the secretaries and* alone have an authentic character.

## ARTICLE 67

After the close of the pleadings, the tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

## ARTICLE 68

The tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these papers or documents, but



1899

but is obliged to make them known to the opposite party.

## ARTICLE 44

The tribunal can, besides, require from the agents of the parties the production of all acts, and can demand all necessary explanations. In case of refusal, the tribunal takes note of it.

## ARTICLE 45

The agents and counsel of the parties are authorized to present orally to the tribunal all the arguments they may think expedient in defense of their case.

## ARTICLE 46

They have the right to raise objections and points. The decisions of the tribunal on those points are final, and can not form the subject of any subsequent discussion.

## ARTICLE 47

The members of the tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the tribunal during the discussions can be regarded as an expression of opinion by the tri-

1907

is obliged to make them known to the opposite party.

## ARTICLE 69

The tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the tribunal takes note of it.

Production  
of all papers.

## ARTICLE 70

The agents and the counsel of the parties are authorized to present orally to the tribunal all the arguments they may consider expedient in defense of their case.

Oral arguments.

## ARTICLE 71

They are entitled to raise objections and points. The decisions of the tribunal on these points are final and can not form the subject of any subsequent discussion.

Decisions final.

## ARTICLE 72

The members of the tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the tribunal in the course of the discussions, can be regarded as an expression of opinion by the

Questions  
by arbitrators

## 1899

bunal in general, or by its members in particular.

## ARTICLE 48

Competence  
of tribunal.

The tribunal is authorized to declare its competence in interpreting the compromis as well as the other treaties which may be invoked in the case, and in applying the principles of international law.

## ARTICLE 49

Special rules.

The tribunal has the right to issue rules of procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

Information to  
be furnished.

Serving notice in  
other countries.

## 1907

tribunal in general or by its members in particular.

## ARTICLE 73

The tribunal is authorized to declare its competence in interpreting the compromis, as well as the other *papers and documents* which may be invoked, and in applying the principles of law.

## ARTICLE 74

The tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, *order*, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

## ARTICLE 75

*The parties undertake to supply the tribunal, as fully as they consider possible, with all the information required for deciding the case.*

## ARTICLE 76

*For all notices which the tribunal has to serve in the territory of a third contracting Power, the tribunal shall apply direct to the Government of that Power. The same rule applies in the case of steps being taken to procure evidence on the spot.*



1899

## ARTICLE 50

When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the president pronounces the discussion closed.

## ARTICLE 51

The deliberations of the tribunal take place in private. Every decision is taken by a majority of members of the tribunal.

The refusal of a member to vote must be recorded in the procès-verbal.

## ARTICLE 52

The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each member of the tribunal.

Those members who are in the

1907

*The requests for this purpose are to be executed as far as the means at the disposal of the Power applied to under its municipal law allow. They can not be rejected unless the Power in question considers them calculated to impair its own sovereign rights or its safety.*

Executing requests.

*The Court will equally be always entitled to act through the Power on whose territory it sits.*

## ARTICLE 77

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case the president shall declare the discussion closed.

Close of discussions.

## ARTICLE 78

The tribunal considers its decisions in private and *the proceedings remain secret.*

Deliberations private.

All questions are decided by a majority of the members of the tribunal.

Majority to decide.

## ARTICLE 79

The award must give the reasons on which it is based. *It contains the names of the arbitrators; it is signed by the president and registrar or by the secretary acting as registrar.*

Statement of award.

1899

minority may record their dissent when signing.

## ARTICLE 53

Announcement.

The award is read out at a public meeting of the tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

## ARTICLE 54

Finality.

The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitively and without appeal.

Disputes as to interpretation.

## ARTICLE 55

Right of revision.

The parties can reserve in the compromis the right to demand the revision of the award.

Grounds for demand.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and

1907

## ARTICLE 80

The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

## ARTICLE 81

The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

## ARTICLE 82

*Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the tribunal which pronounced it.*

## ARTICLE 83

The parties can reserve in the compromis the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and which was unknown to the tri-



## 1899

which, at the time the discussion was closed, was unknown to the tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

The compromis fixes the period within which the demand for revision must be made.

## ARTICLE 56

The award is only binding on the parties who concluded the compromis.

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the compromis they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

## ARTICLE 57

Each party pays its own expenses and an equal share of those of the tribunal.

## 1907

bunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can only be instituted by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The compromis fixes the period within which the demand for revision must be made.

## ARTICLE 84

The award is not binding except on the parties *in dispute*.

When it concerns the interpretation of a Convention to which Powers other than those in dispute are parties, they shall inform all the signatory Powers *in good time*. Each of these Powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

## ARTICLE 85

Each party pays its own expenses and an equal share of the expenses of the tribunal.

Proceedings.

Limitation.

Parties bound.

Right of other Powers to intervene.

Expenses.

1899

Summary  
arbitration.

Rules for sum-  
mary procedure.

Arbitrators  
and umpire.

Submission  
of cases.

1907

# CHAPTER IV.—*Arbitration by Summary Procedure*

## ARTICLE 86

*With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the contracting Powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of Chapter III apply so far as may be.*

## ARTICLE 87

*Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.*

*The umpire presides over the tribunal, which gives its decisions by a majority of votes.*

## ARTICLE 88

*In the absence of any previous agreement the tribunal, as soon as it is formed, settles the time with-*



1899

1907

*in which the two parties must submit their respective cases to it.*

## ARTICLE 89

*Each party is represented before the tribunal by an agent, who serves as intermediary between the tribunal and the Government who appointed him.*

Agents.

## ARTICLE 90

*The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The tribunal has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in Court it may consider useful.*

Proceedings to be in writing.

Oral explanations.

## GENERAL PROVISIONS

## PART V.—FINAL PROVISIONS

Final provisions.

## ARTICLE 91

*The present Convention, duly ratified, shall replace, as between the contracting Powers, the Convention for the pacific settlement of international disputes of the 29th July, 1899.*

Former Convention replaced.

## ARTICLE 58

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

## ARTICLE 92

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

Ratification.

Deposit at The Hague.

## 1899

A procès-verbal shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

Certified copies  
to Powers.

## ARTICLE 59

The non-signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the con-

Non-signatory  
Powers may  
adhere.

Notification  
of intent.

## 1907

*The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.*

*The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.*

*A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to those Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the Powers of the date on which it received the notification.*

## ARTICLE 93

Non-signatory Powers which have been invited to the Second Peace Conference may adhere to the present Convention.

*The Power which desires to adhere notifies its intention in writ-*



1899

tracting Powers by a written notification addressed to the Netherland Government, and communicated by it to all the other contracting Powers.

ARTICLE 60<sup>1</sup>

The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent agreement among the contracting Powers.

1907

*ing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.*

*This Government shall immediately forward to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.*

Communication  
to other  
Powers.

## ARTICLE 94

The conditions on which the Powers which have not been *invited* to the Second Peace Conference may adhere to the present Convention shall form the subject of a subsequent agreement between the contracting Powers.

Adherence by  
other Powers.

## ARTICLE 95

*The present Convention shall take effect, in the case of the Powers which were not a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their*

Effect of  
ratification

<sup>1</sup>A protocol establishing, as regards the Powers unrepresented at the First Conference, the mode of adhesion to this Convention, was signed at The Hague June 14, 1907, by representatives of all the Powers represented at the 1899 Conference.

1899

## ARTICLE 61

Denunciation.

In the event of one of the high contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherlands Government, and by it communicated at once to all the other contracting Powers.

Notifying  
Power only  
affected.

This denunciation shall only affect the notifying Power.

Register of  
ratifications.

Signing.

In faith of which the plenipotentiaries have signed the present

1907

*adhesion has been received by the Netherlands Government.*

## ARTICLE 96

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherlands Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherlands Government.

## ARTICLE 97

*A register kept by the Netherlands Minister for Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of Article 92, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 93, paragraph 2) or of denunciation (Article 96, paragraph 1) have been received.*

*Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.*

In faith whereof the plenipotentiaries have appended their



1899

Convention and affixed their seals to it.

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherland Government, and copies of it, duly certified, be sent through the diplomatic channel to the contracting Powers.

[Here follow signatures.]

1907

*signatures to the present Convention.*

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting Powers.

[Here follow signatures.]

Deposit  
of original.

Certified copies  
to Powers.

#### RATIFICATIONS, ADHESIONS AND RESERVATIONS

**The 1899 Convention** was *ratified* by all the signatory Powers on the dates indicated:

Austria-Hungary .....	September 4, 1900
Belgium .....	September 4, 1900
Bulgaria .....	September 4, 1900
China .....	November 21, 1904
Denmark .....	September 4, 1900
France .....	September 4, 1900
Germany .....	September 4, 1900
Great Britain .....	September 4, 1900
Greece .....	April 4, 1901
Italy .....	September 4, 1900
Japan .....	October 6, 1900
Luxemburg .....	July 12, 1901
Mexico .....	April 17, 1901
Montenegro .....	October 16, 1900
Netherlands .....	September 4, 1900
Norway .....	(See Sweden and Norway.)
Persia .....	September 4, 1900
Portugal .....	September 4, 1900
Roumania .....	September 4, 1900
Russia .....	September 4, 1900
Servia .....	May 11, 1901

Siam .....	September 4, 1900
Spain .....	September 4, 1900
Sweden and Norway .....	September 4, 1900
Switzerland .....	December 29, 1900
Turkey .....	June 12, 1907
United States .....	September 4, 1900

*Adhesions:*

Argentine Republic .....	June 15, 1907
Bolivia .....	June 15, 1907
Brazil .....	June 15, 1907
Chile .....	June 15, 1907
Colombia .....	June 15, 1907
Cuba .....	June 15, 1907
Dominican Republic .....	June 15, 1907
Ecuador .....	July 3, 1907
Guatemala .....	June 15, 1907
Haiti .....	June 15, 1907
Nicaragua .....	June 15, 1907
Panama .....	June 15, 1907
Paraguay .....	June 15, 1907
Peru .....	June 15, 1907
Salvador .....	June 20, 1907
Uruguay .....	June 17, 1907
Venezuela .....	June 15, 1907

*Reservations:*<sup>1</sup>

Roumania

Under the reservations formulated with respect to Articles 16, 17 and 19 of the present Convention (15, 16 and 18 of the project presented by the committee on examination), and recorded in the *procès-verbal* of the sitting of the Third Commission of July 20, 1899.<sup>2</sup>

*Extract from the procès-verbal:*

The Royal Government of Roumania being completely in favor of the principle of *facultative* arbitration, of which it appreciates the great importance in international relations, neverthe-

<sup>1</sup>All these reservations were made at signature.

<sup>2</sup>Reservations maintained at ratification.



less does not intend to undertake, by Article 15, an engagement to accept arbitration in every case there provided for, and it believes it ought to form express reservations in that respect.

It can not therefore vote for this article, except under that reservation.

The Royal Government of Roumania declares that it can not adhere to Article 16 except with the express reservation, entered in the *procès-verbal*, that it has decided not to accept, in any case, an international arbitration for disagreements or disputes previous to the conclusion of the present Convention.

The Royal Government of Roumania declares that in adhering to Article 18 of the Convention, it makes no engagement in regard to obligatory arbitration.<sup>1</sup>

### Servia

Under the reservations recorded in the *procès-verbal* of the Third Commission of July 20, 1899.<sup>2</sup>

*Extract from the procès-verbal:*

In the name of the Royal Government of Servia, we have the honor to declare that our adoption of the principle of good offices and mediation does not imply a recognition of the right of third States to use these means except with the extreme reserve which proceedings of this delicate nature require.

We do not admit good offices and mediation except on condition that their character of purely friendly counsel is maintained fully and completely, and we never could accept them in forms and circumstances such as to impress upon them the character of intervention.<sup>3</sup>

### Turkey

Under reservation of the declaration made in the plenary sitting of the Conference of July 25, 1899.

*Extract from the procès-verbal:*

The Turkish delegation, considering that the work of this Conference has been a work of high loyalty and humanity, destined solely to assure general peace by safeguarding the interests and the rights of each one, declares, in the name of its Government, that it adheres to the project just adopted, on the following conditions:

1. It is formally understood that recourse to good offices and mediation, to commissions of inquiry and arbitration is

<sup>1</sup>Declaration of Mr. Beldiman. *Procès-verbaux*, pt. iv, p. 48.

<sup>2</sup>Reservations maintained at ratification.

<sup>3</sup>Declaration of Mr. Miyatovitch. *Procès-verbaux*, pt. iv, p. 47.

purely facultative and could not in any case assume an obligatory character or degenerate into interventions;

2. The Imperial Government itself will be the judge of the cases where its interests would permit it to admit these methods without its abstention or refusal to have recourse to them being considered by the signatory States as an unfriendly act.

It goes without saying that in no case could the means in question be applied to questions concerning interior regulation.<sup>1</sup>

### United States

Under reservation of the declaration made at the plenary sitting of the Conference on the 25th of July, 1899.<sup>2</sup>

*Extract from the procès-verbal:*

The delegation of the United States of America on signing the Convention for the pacific settlement of international disputes, as proposed by the International Peace Conference, makes the following declaration:

Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.<sup>3</sup>

**The 1907 Convention** was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary .....	November 27, 1909
Belgium .....	August 8, 1910
Bolivia .....	November 27, 1909
Brazil .....	January 5, 1914
China .....	November 27, 1909
Cuba .....	February 22, 1912
Denmark .....	November 27, 1909
France .....	October 7, 1910

<sup>1</sup>Declaration of Turkhan Pasha. *Procès-verbaux*, pt. i, p. 70. This reservation does not appear in the instrument of ratification.

<sup>2</sup>Reservation maintained at ratification.

<sup>3</sup>*Procès-verbaux*, pt. i, p. 69. Compare the reservation of the United States to the 1907 Convention, *post*, p. 47.



Germany .....	November 27, 1909
Guatemala .....	March 15, 1911
Haiti .....	February 2, 1910
Japan .....	December 13, 1911
Luxemburg .....	September 5, 1912
Mexico .....	November 27, 1909
Netherlands .....	November 27, 1909
Norway .....	September 19, 1910
Panama .....	September 11, 1911
Portugal .....	April 13, 1911
Roumania .....	March 1, 1912
Russia .....	November 27, 1909
Salvador .....	November 27, 1909
Siam .....	March 12, 1910
Spain .....	March 18, 1913
Sweden .....	November 27, 1909
Switzerland .....	May 12, 1910
United States.....	November 27, 1909

*Adhesion:*

Nicaragua .....	December 16, 1909
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The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Servia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela
Italy	

*Reservations:<sup>1</sup>*

Brazil

With reservation as to Article 53 paragraphs 2, 3, and 4.<sup>2</sup>

<sup>1</sup>All these reservations were made at signature except the second reservation of the United States.

<sup>2</sup>Reservation maintained at ratification.

## Chile

Under reservation of the declaration formulated with regard to Article 39 in the seventh meeting of the First Commission on October 7.

*Extract from the procès-verbal:*

The delegation of Chile desires to make the following declaration in the name of its Government with respect to this article. Our delegation at the time of signing the Convention of 1899 for the pacific settlement of international disputes did so with the reservation that the adhesion of its Government as regards Article 17 would not include controversies or questions prior to the celebration of the Convention.

The delegation of Chile believes it to be its duty to-day to renew, with respect to the same provision, the reservation that it has previously made, although it may not be strictly necessary in view of the similar character of the provision.<sup>1</sup>

## Greece

With the reservation of paragraph 2 of Article 53.

## Japan

With reservation of paragraphs 3 and 4 of Article 48, of paragraph 2 of Article 53 and of Article 54.<sup>2</sup>

## Roumania

With the same reservations formulated by the Roumanian plenipotentiaries on signing the Convention for the pacific settlement of international disputes of July 29, 1899.<sup>3</sup>

## Switzerland

Under reservation of Article 53, number 2.<sup>2</sup>

## Turkey

Under reservation of the declarations recorded in the *procès-verbal* of the ninth plenary session of the Conference held on October 16, 1907.

*Extract from the procès-verbal:*

The Ottoman delegation declares, in the name of its Government, that while it is not unmindful of the beneficent influence

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<sup>1</sup>Statement of Mr. Domingo Gana. *Actes et documents*, vol. ii, p. 121.

<sup>2</sup>Reservation maintained at ratification.

<sup>3</sup>Reservations maintained at ratification. See *ante*, p. 42.



which good offices, mediation, commissions of inquiry and arbitration are able to exercise on the maintenance of the pacific relations between States, in giving its adhesion to the whole of the draft, it does so on the understanding that such methods remain, as before, purely optional; it could in no case recognize them as having an obligatory character rendering them susceptible of leading directly or indirectly to an intervention.

The Imperial Government proposes to remain the sole judge of the occasions when it shall be necessary to have recourse to the different proceedings or to accept them without its determination on the point being liable to be viewed by the signatory States as an unfriendly act.

It is unnecessary to add that such methods should never be applied in cases of internal order.<sup>1</sup>

### United States

Under reservation of the declaration made in the plenary session of the Conference held on October 16, 1907.<sup>2</sup>

*Extract from the procès-verbal:*

The delegation of the United States renews the reservation made in 1899 on the subject of Article 48 of the Convention for the pacific settlement of international disputes in the form of the following declaration:

Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.<sup>3</sup>

The act of ratification contains the following reservation:

That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in Article 53 of said Convention, to exclude the formulation of the *compromis* by the Permanent Court, and hereby excludes from the competence of the Permanent Court the power to frame the *compromis* re-

<sup>1</sup>Statements of Turkhan Pasha. *Actes et documents*, vol. i, p. 336.

<sup>2</sup>Reservation maintained at ratification.

<sup>3</sup>Statement of Mr. David Jayne Hill. *Actes et documents*, vol. i, p. 335.

quired by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the *compromis* required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.



2

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 5

## THE HAGUE CONVENTIONS OF 1899 (II) AND 1907 (IV) RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

11-3 1-32  
negotiated

PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
*December 23, 1914.*



# THE HAGUE CONVENTIONS OF 1899 (II) AND 1907 (IV) RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

1899

CONVENTION (II) with respect to the laws and customs of war on land.—Signed at The Hague, July 29, 1899.

His Majesty the German Emperor, King of Prussia; [etc.] :

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert ;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization ;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible ;

1907

CONVENTION (IV) respecting the laws and customs of war on land.—Signed at The Hague, October 18, 1907.\*

His Majesty the German Emperor, King of Prussia; [etc.] :

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert ;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization ;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible ;

Purpose of  
Convention.

\*Italics indicate differences between the Conventions of 1899 and 1907.

1899

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the high contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the high contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military commanders.

Until a more complete code of the laws of war is issued, the high contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belliger-

1907

*Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.*

According to the views of the high contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert Regulations covering all the circumstances which arise in practice;

On the other hand, the high contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the high contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the in-



1899

ents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood;

The high contracting Parties, desiring to conclude a Convention to this effect, have appointed as their plenipotentiaries, to wit:

[Here follow the names of plenipotentiaries.]

Who, after communication of their full powers, found in good and due form, have agreed on the following:

## ARTICLE 1

The high contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the laws and customs of war on land" annexed to the present Convention.

## ARTICLE 2

The provisions contained in the Regulations mentioned in Article 1 are only binding on the contract-

1907

habitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

The high contracting Parties, wishing to conclude a *fresh* Convention to this effect, have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after *having deposited* their full powers, found in good and due form, have agreed upon the following:

## ARTICLE 1

The contracting *Powers* shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the laws and customs of war on land, annexed to the present Convention.

Instructions  
to armed  
land forces.

## ARTICLE 2

The provisions contained in the Regulations referred to in Article 1, *as well as in the present Con-*

Powers bound.

1899

ing Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between contracting Powers, a non-contracting Power joins one of the belligerents.

Penalty for  
violating  
regulations.

Prior Conven-  
tion replaced.

Continuance  
of former  
Convention.

## ARTICLE 3

Ratification.

The present Convention shall be ratified as speedily as possible.

Deposit at  
The Hague.

The ratifications shall be deposited at The Hague.

1907

*vention, do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.*

## ARTICLE 3

*A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.*

## ARTICLE 4

*The present Convention, duly ratified, shall as between the contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the laws and customs of war on land.*

*The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.*

## ARTICLE 5

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

*The first deposit of ratifications shall be recorded in a procès-verbal signed by the Representa-*



1899

A procès-verbal shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel, to all the contracting Powers.

## ARTICLE 4

Non-signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the contracting Powers by means of a written notification, addressed to the Netherland Government, and

1907

*tives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.*

*The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.*

*A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.*

Certified copies to Powers.

## ARTICLE 6

Non-signatory Powers may adhere to the present Convention.

Adherence of non-signatory Powers.

*The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited*

Notification of intent.

1899

by it communicated to all the other contracting Powers.

Communication  
to other Powers.

Effect of  
ratification.

Denunciation.

Notifying Power  
only affected.

In the event of one of the high contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once communicated to all the other contracting Powers.

This denunciation shall affect only the notifying Power.

1907

*in the archives of the said Government.*

*This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.*

## ARTICLE 7

*The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.*

## ARTICLE 8

*In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.*

The denunciation shall only have effect in regard to the noti-



1899

1907

ying Power, and one year after the notification has reached the Netherland Government.

## ARTICLE 9

*A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 6, paragraph 2), or of denunciation (Article 8, paragraph 1) were received.*

Register of  
ratifications.

*Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.*

In faith of which the plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the contracting Powers through the diplomatic channel.

[Here follow signatures.]

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Signing.

Deposit  
of original.

[Here follow signatures.]

1899

## ANNEX TO THE CONVENTION

Regulations. REGULATIONS RESPECTING THE  
LAWS AND CUSTOMS OF WAR ON  
LAND.

Belligerents. SECTION I.—ON BELLIGERENTS

Qualifications. CHAPTER I.—*On the Qualifications of Belligerents*

## ARTICLE 1

Application of  
laws of war  
to all forces.

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

Description.

1. To be commanded by a person responsible for his subordinates;

2. To have a fixed distinctive emblem recognizable at a distance;

3. To carry arms openly; and

4. To conduct their operations in accordance with the laws and customs of war.

Forces included  
in "army."

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

## ARTICLE 2

Unorganized  
belligerents  
recognized.

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves

1907

## ANNEX TO THE CONVENTION

REGULATIONS RESPECTING THE  
LAWS AND CUSTOMS OF WAR ON  
LAND.

SECTION I.—ON BELLIGERENTS

CHAPTER I.—*The Qualifications of Belligerents*

## ARTICLE 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;

2. To have a fixed distinctive emblem recognizable at a distance;

3. To carry arms openly; and

4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

## ARTICLE 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize



1899

in accordance with Article 1, shall be regarded as belligerent, if they respect the laws and customs of war.

## ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

CHAPTER II.—*On Prisoners of War*

## ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers remain their property.

## ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

1907

themselves in accordance with Article 1, shall be regarded as belligerents *if they carry arms openly and* if they respect the laws and customs of war.

## ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II.—*Prisoners of War*

## ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

## ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they can not be confined except as an indispensable measure of safety *and only while the circumstances which necessitate the measure continue to exist.*

Combatants and non-combatants.

Prisoners of war.

Responsibility of capturing Government.

Treatment.

Personal belongings.

Confinement.

1899

## ARTICLE 6

Employment  
at labor.

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Payment.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the public service or for private persons, the conditions shall be settled in agreement with the military authorities.

Use of wages.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

## ARTICLE 7

Maintenance.

The Government into whose hands prisoners of war have fallen is bound to maintain them.

General  
treatment.

Failing a special agreement between the belligerents, prisoners

1907

## ARTICLE 6

The State may utilize the labor of prisoners of war according to their rank and aptitude, *officers excepted*. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, *or, if there are none in force, at a rate according to the work executed*.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

## ARTICLE 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belliger-



1899

of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

## ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen. Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment for the previous flight.

## ARTICLE 9

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

1907

ents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

## ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

Subject to  
military  
laws, etc.

Insubordination.

Recaptured  
prisoners.

## ARTICLE 9

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

Restrictions  
for false  
statements.

1899

## ARTICLE 10

Parole to be  
observed.

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honor, scrupulously to fulfil, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

Recognition of.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

## ARTICLE 11

Parole to be  
voluntary.

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

## ARTICLE 12

Forfeiture  
of parole.

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the courts.

1907

## ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honor, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

## ARTICLE 11

A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

## ARTICLE 12

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honor, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the courts.



1899

## ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

## ARTICLE 14

A bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of internments and changes, as well as of admissions into hospital and deaths.

1907

## ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

Treatment  
of captured  
reporters,  
sutlers, etc.

## ARTICLE 14

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, *releases on parole, exchanges, escapes*, admissions into hospital, deaths, as well as other information necessary to enable it to *make out and keep up to date* an individual return for each prisoner of war. *The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date*

Bureau of in-  
formation to  
be established.

Functions.

Receipt, etc.,  
of property.

It is also the duty of the information bureau to receive and collect all objects of personal use, valuables, letters, etc., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

#### ARTICLE 15

Recognition of  
relief societies.

Relief societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and administrative regulations, for the effective accomplishment of their humane task. Delegates of these societies may be admitted to the places of internment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on

Agents.

*and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.*

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have *been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances*, and to forward them to those concerned.

#### ARTICLE 15

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military



## 1899

giving an engagement in writing to comply with all their regulations for order and police.

## ARTICLE 16

The information bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

## ARTICLE 17

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

## ARTICLE 18

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with

## 1907

authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

## ARTICLE 16

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

## ARTICLE 17

Officers taken prisoners shall receive *the same rate of pay as officers of corresponding rank in the country where they are detained*, the amount to be ultimately refunded by their own Government.

## ARTICLE 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever church they may belong to, on

Privileges  
allowed.

Pay to officers  
taken prisoners.

Religious liberty.

## 1899

the regulations for order and police issued by the military authorities.

## ARTICLE 19

Wills.

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the national army.

Burials, etc.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

## ARTICLE 20

Repatriation.

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

Sick and wounded.

CHAPTER III.—*On the Sick and Wounded*

## ARTICLE 21

Geneva Convention to govern.

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22d August, 1864, subject to any modifications which may be introduced into it.

## 1907

the sole condition that they comply with the measures of order and police issued by the military authorities.

## ARTICLE 19

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

## ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPTER III.—*The Sick and Wounded*

## ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.



1899

## SECTION II.—ON HOSTILITIES

CHAPTER I.—*On Means of Injuring the Enemy, Sieges, and Bombardments.*

## ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

## ARTICLE 23

Besides the prohibitions provided by special Conventions, it is especially prohibited—

(a.) To employ poison or poisoned arms;

(b.) To kill or wound treacherously individuals belonging to the hostile nation or army;

(c.) To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;

(d.) To declare that no quarter will be given;

(e.) To employ arms, projectiles, or material of a nature to cause superfluous injury;

(f.) To make improper use of a flag of truce, the national flag or military ensigns and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;

(g.) To destroy or seize the enemy's property, unless such de-

1907

## SECTION II.—HOSTILITIES

CHAPTER I.—*Means of Injuring the Enemy, Sieges, and Bombardments.*

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(d.) To declare that no quarter will be given;

(e.) To employ arms, projectiles, or material calculated to cause unnecessary suffering;

(f.) To make improper use of a flag of truce, of the national flag or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;

(g.) To destroy or seize the enemy's property, unless such de-

Hostilities.

Means of injuring enemy, sieges, and bombardments.

Restriction.

Special prohibitions.

Poison.

Treachery.

Killing those who have surrendered.

Quarter.

Weapons causing unnecessary suffering.

Abuse of flags and uniform.

Unnecessary destruction or seizure of property.

## 1899

struction or seizure be imperatively demanded by the necessities of war.

Rights and actions.

Forced service against one's own country.

## ARTICLE 24

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered allowable.

Obtaining information permitted.

## ARTICLE 25

The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited.

Assault on undefended towns, etc.

## ARTICLE 26

The commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

Warning of bombardments.

## 1907

struction or seizure be imperatively demanded by the necessities of war;

*(h.) To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party.*

*A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.*

## ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

## ARTICLE 25

The attack or bombardment, *by whatever means*, of towns, villages, dwellings, or buildings which are undefended is prohibited.

## ARTICLE 26

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.



1899

## ARTICLE 27

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

## ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*On Spies*

## ARTICLE 29

An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not con-

1907

## ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, *historic monuments*, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

Buildings, etc.,  
to be spared.

Notification of.

## ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

Pillage  
prohibited.CHAPTER II.—*Spies*

## ARTICLE 29

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavors to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of ob-

Spies.

Definitions.

## 1899

sidered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

## ARTICLE 30

Trial required.

A spy taken in the act can not be punished without previous trial.

## ARTICLE 31

Subsequent capture.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

Flags of truce.

### CHAPTER III.—*On Flags of Truce*

## ARTICLE 32

Inviolability of bearers.

An individual is considered as a parlementaire who is authorized by one of the belligerents to enter into communication with the other, and who carries a white

## 1907

taining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

## ARTICLE 30

A spy taken in the act shall not be punished without previous trial.

## ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

### CHAPTER III.—*Flags of Truce*

## ARTICLE 32

A person is regarded as a parlementaire who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing



1899

flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flag-bearer, and the interpreter who may accompany him.

## ARTICLE 33

The chief to whom a parlementaire is sent is not obliged to receive him in all circumstances.

He can take all steps necessary to prevent the parlementaire taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the parlementaire temporarily.

## ARTICLE 34

The parlementaire loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*On Capitulations*

## ARTICLE 35

Capitulations agreed on between the contracting Parties must be in accordance with the rules of military honor.

When once settled, they must be scrupulously observed by both the parties.

1907

a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

## ARTICLE 33

The commander to whom a parlementaire is sent is not in all cases obliged to receive him.

He may take all the necessary steps to prevent the parlementaire taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the parlementaire temporarily.

Reception not compulsory.

## ARTICLE 34

The parlementaire loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

Treachery of parlementaire.

CHAPTER IV.—*Capitulations*

## ARTICLE 35

Capitulations agreed upon between the contracting Parties must take into account the rules of military honor.

Once settled, they must be scrupulously observed by both parties.

Capitulations.

Military honor to be observed.

1899

Armistices.

CHAPTER V.—*On Armistices*

## ARTICLE 36

Effect.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

## ARTICLE 37

General.

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

Local.

## ARTICLE 38

Notification.

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

Suspension  
of hostilities.

## ARTICLE 39

Communication  
allowed with  
inhabitants.

It is for the contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theatre of war,

1907

CHAPTER V.—*Armistices*

## ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

## ARTICLE 37

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

## ARTICLE 38

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

## ARTICLE 39

It rests with the contracting Parties to settle, in the terms of the armistice, what communications may be held in the theatre



1899

with the population and with each other.

## ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

## ARTICLE 41

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

## SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY.

## ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

1907

of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

## ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

Effect of  
violation  
by Powers.

## ARTICLE 41

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

Violation by  
private persons.

## SECTION III.—MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE.

## ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

Military  
authority  
over captured  
territory.

Actual  
occupation.

Extent.

1899

## ARTICLE 43

Preservation  
of order  
and safety.

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

## ARTICLE 44

Forcing infor-  
mation from  
inhabitants  
forbidden.

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

## ARTICLE 45

Requiring oath  
of allegiance  
forbidden.

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

## ARTICLE 46

Rights and  
property to  
be respected.

Family honors and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

No confiscation.

Private property can not be confiscated.

## ARTICLE 47

Pillage  
forbidden.

Pillage is formally prohibited.

1907

## ARTICLE 43

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

## ARTICLE 44

A belligerent is forbidden to force the inhabitants of territory occupied by it to *furnish information about the army of the other belligerent, or about its means of defence.*

## ARTICLE 45

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

## ARTICLE 46

Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property can not be confiscated.

## ARTICLE 47

Pillage is formally forbidden.



1899

## ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

## ARTICLE 49

If, besides the taxes mentioned in the preceding article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

## ARTICLE 50

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it can not be regarded as collectively responsible.

## ARTICLE 51

No tax shall be collected except under a written order and on the responsibility of a commander-in-chief.

1907

## ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

Collection  
of taxes.

## ARTICLE 49

If, in addition to the taxes mentioned in the above article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

Levies for  
military needs.

## ARTICLE 50

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they can not be regarded as jointly and severally responsible.

General penalty  
for acts of  
individuals  
forbidden.

## ARTICLE 51

No contribution shall be collected except under a written order, and on the responsibility of a commander-in-chief.

Collection of  
contributions.

## 1899

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

## Receipts.

For every payment a receipt shall be given to the taxpayer.

## ARTICLE 52

## Requisitions for needs of army.

Neither requisition in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

## Authority.

These requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

## Payment.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

## ARTICLE 53

## Seizure of public cash, property, etc.

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depots of arms, means of trans-

## 1907

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

## ARTICLE 52

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given *and the payment of the amount due shall be made as soon as possible.*

## ARTICLE 53

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depots of arms, means of trans-



## 1899

port, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers and other ships, apart from cases governed by maritime law, as well as depots of arms and, generally, all kinds of war material, even though belonging to companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

## ARTICLE 54

The plant of railways coming from neutral States, whether the property of those States, or of companies, or of private persons, shall be sent back to them as soon as possible.

## ARTICLE 55

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

## 1907

port, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

*All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.*

Telegraphs,  
transportation,  
etc.

## ARTICLE 54

*Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.*

Submarine  
cables to  
neutral territory.

## ARTICLE 55

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

Administration  
of public prop-  
erty in occu-  
pied territory.

1899

## ARTICLE 56

Municipal, religious, etc., property.

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

Legal proceedings for seizure, etc.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

Internment of belligerents, and care of wounded in neutral countries.

SECTION IV.—ON THE INTERNMENT OF BELLIGERENTS AND THE CARE OF THE WOUNDED IN NEUTRAL COUNTRIES.\*

## ARTICLE 57

Confinement of belligerents in neutral territory.

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not

1907

## ARTICLE 56

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

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\*In 1907 the provisions on this subject, Articles 57, 58, 59 and 60, were transferred to the Convention (V) respecting the rights and duties of neutral Powers and persons in case of war on land as Articles 11, 12, 14 and 15 thereof. No change was made in their text except the substitution of the word "Power" for the word "State" wherever the latter appears in these articles.



1899

1907

leave the neutral territory without authorization.

## ARTICLE 58

Failing a special convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

Food, clothing,  
etc.

At the conclusion of peace, the expenses caused by the internment shall be made good.

Reimbursements.

## ARTICLE 59

A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Transit of  
wounded or  
sick through  
neutral territory.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

Neutral State  
must furnish  
guard.

1899

1907

## ARTICLE 60

Geneva  
Convention  
applicable.

The Geneva Convention applies  
to sick and wounded interned in  
neutral territory.

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 RATIFICATIONS, ADHESIONS AND RESERVATIONS

The 1899 Convention was *ratified* by all the signatory Powers on  
the dates indicated:

Austria-Hungary .....	September 4, 1900
Belgium .....	September 4, 1900
Bulgaria .....	September 4, 1900
Denmark .....	September 4, 1900
France .....	September 4, 1900
Germany .....	September 4, 1900
Great Britain .....	September 4, 1900
Greece .....	April 4, 1901
Italy .....	September 4, 1900
Japan .....	October 6, 1900
Luxemburg .....	July 12, 1901
Mexico .....	April 17, 1901
Montenegro .....	October 16, 1900
Netherlands .....	September 4, 1900
Norway .....	July 5, 1907
Persia .....	September 4, 1900
Portugal .....	September 4, 1900
Roumania .....	September 4, 1900
Russia .....	September 4, 1900
Servia .....	May 11, 1901
Siam .....	September 4, 1900
Spain .....	September 4, 1900
Sweden .....	July 5, 1907
Turkey .....	June 12, 1907
United States .....	April 9, 1902



*Adhesions:*

Argentine Republic .....	June 17, 1907
Bolivia .....	February 7, 1907
Brazil .....	February 25, 1907
Chile .....	June 19, 1907
China .....	June 12, 1907
Colombia .....	January 30, 1907
Cuba .....	April 17, 1907
Dominican Republic .....	April 13, 1907
Ecuador .....	July 31, 1907
Guatemala .....	May 2, 1906
Haiti .....	May 24, 1907
Honduras .....	August 21, 1906
Korea .....	March 17, 1903
Nicaragua .....	May 17, 1907
Panama .....	July 20, 1907
Paraguay .....	April 12, 1907
Peru .....	November 24, 1903
Salvador .....	June 20, 1902
Switzerland .....	June 20, 1907
Uruguay .....	June 21, 1906
Venezuela .....	March 1, 1907

*Reservations:* none.

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**The 1907 Convention** was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary .....	November 27, 1909
Belgium .....	August 8, 1910
Bolivia .....	November 27, 1909
Brazil .....	January 5, 1914
Cuba .....	February 22, 1912
Denmark .....	November 27, 1909
France .....	October 7, 1910
Germany .....	November 27, 1909
Great Britain .....	November 27, 1909
Guatemala .....	March 15, 1911
Haiti .....	February 2, 1910

Japan .....	December 13, 1911
Luxemburg .....	September 5, 1912
Mexico .....	November 27, 1909
Netherlands .....	November 27, 1909
Norway .....	September 19, 1910
Panama .....	September 11, 1911
Portugal .....	April 13, 1911
Roumania .....	March 1, 1912
Russia .....	November 27, 1909
Salvador .....	November 27, 1909
Siam .....	March 12, 1910
Sweden .....	November 27, 1909
Switzerland .....	May 12, 1910
United States .....	November 27, 1909

*Adhesions:*

Liberia .....	February 4, 1914
Nicaragua .....	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Servia
Ecuador	Turkey
Greece	Uruguay
Italy	Venezuela

*Reservations:*<sup>1</sup>

Austria-Hungary

Under reservation of the declaration made in the plenary session of the Conference of August 17, 1907.<sup>2</sup>

*Extract from the procès-verbal:*

The delegation of Austria-Hungary having accepted the new Article 22a, on condition that Article 44 of the Convention now in force be maintained as it is, can not consent to the Article 44a, proposed by the Second Commission.<sup>3</sup>

<sup>1</sup>All these reservations were made at signature.

<sup>2</sup>Reservation maintained at ratification.

<sup>3</sup>Statement of Mr. Mérey von Kapos-Mére. *Actes et documents*, vol. i, p. 86.



### Germany

Under reservation of Article 44 of the annexed Regulations.<sup>1</sup>

### Japan

With reservation of Article 44.<sup>1</sup>

### Montenegro

Under the reservations formulated as to Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

*Extract from the procès-verbal:*

The delegation of Montenegro has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a.<sup>2</sup>

### Russia

Under the reservations formulated as to Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.<sup>1</sup>

*Extract from the procès-verbal:*

The delegation of Russia has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a.<sup>3</sup>

### Turkey

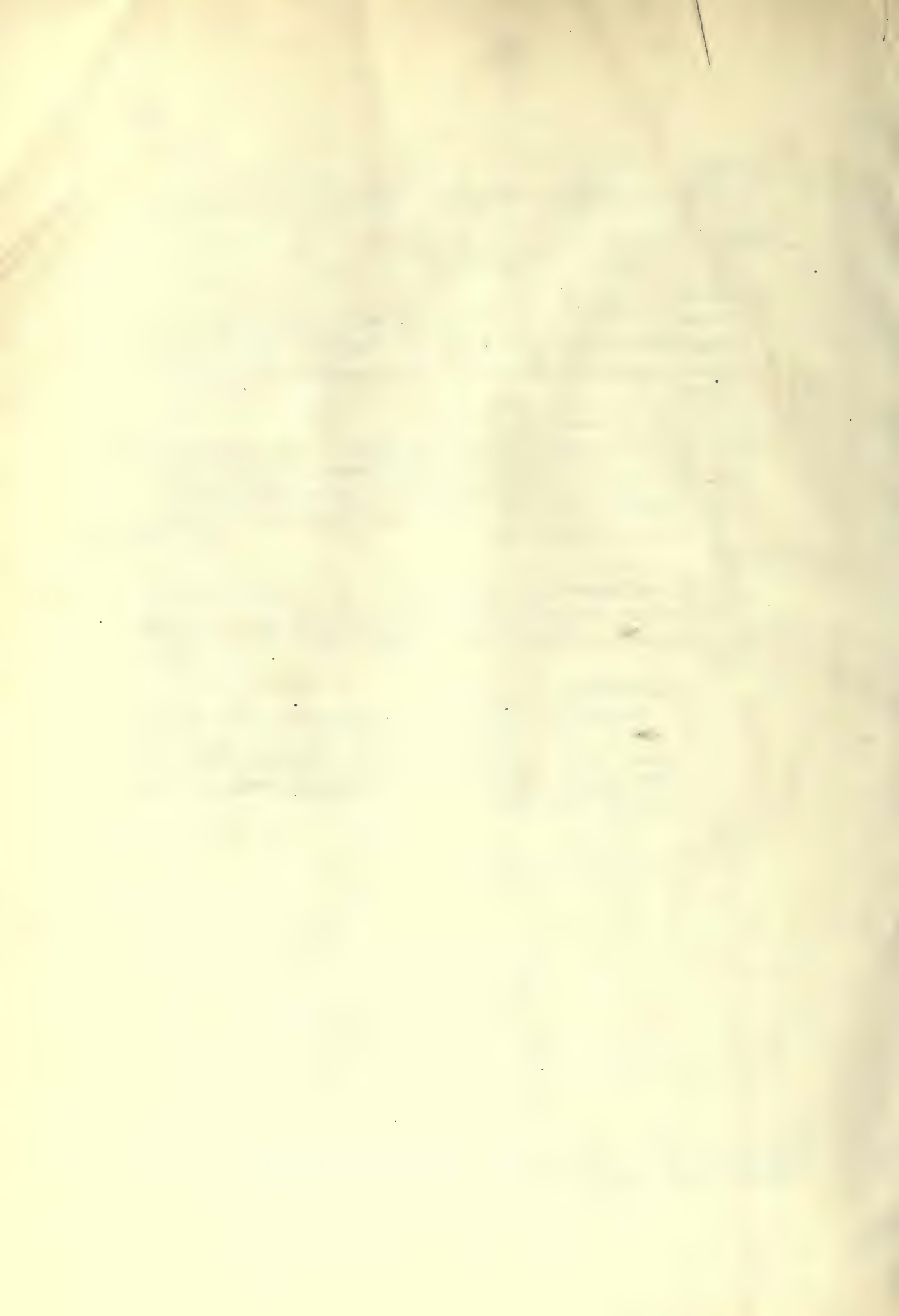
Under reservation of Article 3.

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<sup>1</sup>Reservation maintained at ratification.

<sup>2</sup>Statement of Mr. Tcharykow. *Actes et documents*, vol. i, p. 86.

<sup>3</sup>Statement of Mr. Martens. *Actes et documents*, vol. i, p. 86.





# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 6

## THE HAGUE CONVENTIONS OF 1899 (III) AND 1907 (X) FOR THE ADAPTATION TO MARI- TIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION

*W. R. 12-19  
no. 6*

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PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war. .

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
*December 23, 1914.*



THE HAGUE CONVENTIONS OF 1899 (III) AND 1907 (X) FOR  
THE ADAPTATION TO MARITIME WARFARE OF THE  
PRINCIPLES OF THE GENEVA CONVENTION

1899

1907

CONVENTION (III) for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864.—Signed at The Hague, July 29, 1899.

CONVENTION (X) for the adaptation to maritime warfare of the principles of the Geneva Convention.—Signed at The Hague, October 18, 1907.\*

His Majesty the German Emperor, King of Prussia; [etc.] :

His Majesty the German Emperor, King of Prussia; [etc.] :

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22d August, 1864, have decided to conclude a convention to this effect:

Animated alike by the desire to diminish, as far as depends on them, the inevitable evils of war;

Purpose of  
Convention.

And wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 6th July, 1906;

Have resolved to conclude a Convention *for the purpose of revising the Convention of the 29th July, 1899, relative to this question*, and have appointed the following as their plenipotentiaries:

Plenipotentiaries.

They have, in consequence, appointed as their plenipotentiaries, to wit:

[Here follow the names of plenipotentiaries.]

[Here follow the names of plenipotentiaries.]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

Who, after *having deposited* their full powers, found in good and due form, have agreed upon the following provisions:

\*Italics indicate differences between the Conventions of 1899 and 1907.

1899

## ARTICLE 1

Immunity to  
military hos-  
pital ships.

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and can not be captured while hostilities last.

Status in  
neutral ports.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

## ARTICLE 2

Exemption to  
private hos-  
pital ships.

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

Certificate  
required.

These ships should be furnished with a certificate from the competent authorities, declaring that they have been under their control

1907

## ARTICLE 1

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely with a view to assisting the wounded, sick, and shipwrecked, the names of which have been communicated to the belligerent Powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected, and can not be captured while hostilities last.

These ships, moreover, are not on the same footing as war-ships as regards their stay in a neutral port.

## ARTICLE 2

Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their



1899

while fitting out and on final departure.

## ARTICLE 3

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent Powers at the commencement of or during hostilities, and in any case before they are employed.

## ARTICLE 4

The ships mentioned in Articles 1, 2 and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

1907

control while fitting out and on final departure.

## ARTICLE 3

Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries shall be respected and exempt from capture, on condition *that they are placed under the control of one of the belligerents, with the previous consent of their own Government and with the authorization of the belligerent himself, and that the latter has notified their names to his adversary* at the commencement of or during hostilities, and in any case, before they are employed.

Hospital ships of neutral countries.

## ARTICLE 4

The ships mentioned in Articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality.

The Governments undertake not to use these ships for any military purpose.

These vessels must in no wise hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

Relief to all belligerents.

Use confined.

Restrictions.

Risks assumed.

## 1899

Rights of  
belligerents.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

Log entries.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital ships the orders they give them.

## ARTICLE 5

Distinguishing  
colors to be used.

The military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

Boats, etc.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

Flags.

All hospital ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross provided by the Geneva Convention.

## 1907

The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

As far as possible, the belligerents shall enter in the log of the hospital ships the orders which they give them.

## ARTICLE 5

Military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva Convention, *and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent*



1899

1907

*under whose control they are placed.*

*Hospital ships which, in the terms of Article 4, are detained by the enemy must haul down the national flag of the belligerent to whom they belong.*

Ships detained.

*The ships and boats above mentioned which wish to ensure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain.*

Protection at night.

## ARTICLE 6

*The distinguishing signs referred to in Article 5, can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned.*

Use of distinguishing signs restricted.

## ARTICLE 7

*In the case of a fight on board a war-ship, the sick wards shall be respected and spared as far as possible.*

Sick wards on war-ships.

*The said sick wards and the matériel belonging to them remain subject to the laws of war; they can not, however, be used for any purpose other than that for which they were originally intended, so long as they are required for the sick and wounded.*

Use of matériel, etc.

1899

Military  
necessities.

Withdrawal  
of protection.

Permissive  
use of arms, etc.

## ARTICLE 6

Care on  
neutral ships.

Protection  
accorded.

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, can not be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

1907

*The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires it, after seeing that the sick and wounded on board are properly provided for.*

## ARTICLE 8

*Hospital ships and sick wards of vessels are no longer entitled to protection if they are employed for the purpose of injuring the enemy.*

*The fact of the staff of the said ships and sick wards being armed for maintaining order and for defending the sick and wounded, and the presence of wireless telegraphy apparatus on board, is not a sufficient reason for withdrawing protection.*

## ARTICLE 9

*Belligerents may appeal to the charity of the commanders of neutral merchant ships, yachts, or boats to take on board and tend the sick and wounded.*

*Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart*



1899

## ARTICLE 7

The religious, medical, or hospital staff of any captured ship is inviolable, and its members can not be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the commander-in-chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

## ARTICLE 8

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

1907

*from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.*

## ARTICLE 10

The religious, medical, and hospital staff of any captured ship is inviolable, and its members can not be made prisoners of war. On leaving the ship they take away with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave, when the commander-in-chief considers it possible.

The belligerents must guarantee to the said staff, when it has fallen into their hands, *the same allowances and pay which are given to the staff of corresponding rank in their own navy.*

Immunity  
of medical,  
etc., staff.

Performance  
of duties.

Pay and  
allowances.

## ARTICLE 11

Sailors and soldiers on board, when sick or wounded, as well as other persons officially attached to fleets or armies, whatever their nationality, shall be respected and tended by the captors.

Care of dis-  
abled prisoners.

1899

Transfer of  
sick, etc.,  
to war-ships.

Care of sick,  
etc., on neutral  
war-ships.

Disposition of  
captured sick,  
etc., belligerents.

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated can not serve as long as the war lasts.

## ARTICLE 9

1907

## ARTICLE 12

*Any war-ship belonging to a belligerent may demand that sick, wounded, or shipwrecked men on board military hospital ships, hospital ships belonging to relief societies or to private individuals, merchant ships, yachts, or boats, whatever the nationality of these vessels, should be handed over.*

## ARTICLE 13

*If sick, wounded, or shipwrecked persons are taken on board a neutral war-ship, every possible precaution must be taken that they do not again take part in the operations of the war.*

## ARTICLE 14

The shipwrecked, wounded, or sick of one of the belligerents who fall into the power of the other belligerent are prisoners of war. The captor must decide, according to circumstances, whether to keep them, send them to a port of his own country, to a neutral port, or even to an enemy port. In this last case, prisoners thus repatriated can not serve again while the war lasts.



1899

ARTICLE 10<sup>1</sup>

[The shipwrecked, wounded, or sick, who are landed at a neutral port with the consent of the local authorities, must, failing a contrary arrangement between the neutral State and the belligerents, be guarded by the neutral State, so that they can not again take part in the military operations.]

The expenses of tending them in hospital and internment shall be borne by the State to which the shipwrecked, wounded, or sick belong.]

1907

ARTICLE 15<sup>2</sup>

*The shipwrecked, sick, or wounded, who are landed at a neutral port with the consent of the local authorities, must, unless an arrangement is made to the contrary between the neutral State and the belligerent States, be guarded by the neutral State so as to prevent them again taking part in the operations of the war.*

Care in neutral ports.

*The expenses of tending them in hospital and internment shall be borne by the State to which the shipwrecked, sick, or wounded persons belong.*

Expenses.

## ARTICLE 16

*After every engagement, the two belligerents, so far as military interests permit, shall take steps to look for the shipwrecked, sick, and wounded, and to protect them, as well as the dead, against pillage and ill-treatment.*

Protection against pillage, etc.

*They shall see that the burial, whether by land or sea, or cremation of the dead shall be preceded by a careful examination of the corpse.*

Burials.

## ARTICLE 17

*Each belligerent shall send, as early as possible, to the authorities*

Identification of dead, etc.

<sup>1</sup>This article was excluded. See *post*, p. 17, under Reservations.

<sup>2</sup>In the original French this article is identical with the excluded Article 10 of the 1899 Convention.

1899

1907

Record of  
captures, etc.

Objects of  
personal use, etc.

*of their country, navy, or army the military marks or documents of identity found on the dead and the description of the sick and wounded picked up by him.*

*The belligerents shall keep each other informed as to internments and transfers as well as to the admissions into hospitals and deaths which have occurred among the sick and wounded in their hands. They shall collect all the objects of personal use, valuables, letters, etc., which are found in the captured ships, or which have been left by the sick or wounded who died in hospital, in order to have them forwarded to the persons concerned by the authorities of their own country.*

## ARTICLE 11

## ARTICLE 18

Powers bound.

The rules contained in the above articles are binding only on the contracting Powers, in case of war between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 19

*The commanders-in-chief of the belligerent fleets must see that the above articles are properly carried*

Duties of fleet  
commanders.



1899

1907

*out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.*

## ARTICLE 20

*The signatory Powers shall take the necessary measures for bringing the provisions of the present Convention to the knowledge of their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.*

Promulgation  
of provisions.

## ARTICLE 21

*The signatory Powers likewise undertake to enact or to propose to their legislatures, if their criminal laws are inadequate, the measures necessary for checking in time of war individual acts of pillage and ill-treatment in respect to the sick and wounded in the fleet, as well as for punishing, as an unjustifiable adoption of naval or military marks, the unauthorized use of the distinctive marks mentioned in Article 5 by vessels not protected by the present Convention.*

Legislation to  
be recommended.

*They will communicate to each other, through the Netherland Government, the enactments for*

Communication  
of laws enacted.

1899

1907

*preventing such acts at the latest within five years of the ratification of the present Convention.*

## ARTICLE 22

*In the case of operations of war between the land and sea forces of belligerents, the provisions of the present Convention do not apply except between the forces actually on board ship.*

## ARTICLE 12

## ARTICLE 23

Application only  
to forces  
on board ship.

Ratification.

The present Convention shall be ratified as soon as possible.

The present Convention shall be ratified as soon as possible.

Deposit at  
The Hague.

The ratifications shall be deposited at The Hague.

The ratifications shall be deposited at The Hague.

*The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.*

*Subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.*

Communication  
to other Powers.

On the receipt of each ratification a procès-verbal shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

*A certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplo-*



1899

## ARTICLE 13

The non-signatory Powers who accepted the Geneva Convention of the 22d August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

1907

*matic channel to the Powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.*

## ARTICLE 24

Non-signatory Powers which have accepted the Geneva Convention of the 6th July, 1906, may adhere to the present Convention.

Adhesion of non-signatory Powers.

*The Power which desires to adhere notifies its intention to the Netherland Government in writing, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.*

Notification of intention.

*The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.*

Communication to other Powers.

## ARTICLE 25

*The present Convention, duly ratified, shall replace as between contracting Powers, the Convention of the 29th July, 1899, for*

Former Convention replaced.

1899

Continuance  
of former  
Convention.

Effect of  
ratification.

## ARTICLE 14

Denunciation.

In the event of one of the high contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers.

Notifying Power  
only affected.

This denunciation shall only affect the notifying Power.

1907

*the adaptation to maritime warfare of the principles of the Geneva Convention.*

*The Convention of 1899 remains in force as between the Powers which signed it but which do not also ratify the present Convention.*

## ARTICLE 26

*The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.*

## ARTICLE 27

In the event of one of the contracting Powers *wishing to* denounce the present Convention, *the* denunciation shall be notified in writing to the Netherland Government, *which shall* at once communicate *a duly certified copy of* the notification to all the other Powers, *informing them at the same time of the date on which it was received.*

The denunciation shall only have effect in regard to the noti-



1899

1907

fyng Power, and one year after the notification has *reached* the Netherland Government.

## ARTICLE 28

*A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 23, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 24, paragraph 2) or of denunciation (Article 27, paragraph 1) have been received.*

Register of  
ratifications.

*Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.*

In testimony whereof the respective plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which duly certified, shall be sent through the diplomatic channel to the contracting Powers.

[Here follow signatures.]

In faith whereof the plenipotentiaries have *appended their signatures* to the present Convention.

Signing.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Deposit  
of original.

[Here follow signatures.]

## RATIFICATIONS, ADHESIONS AND RESERVATIONS

The 1899 Convention was *ratified* by all the signatory Powers on the dates indicated:

Austria-Hungary . . . . .	September 4, 1900
Belgium . . . . .	September 4, 1900
Bulgaria . . . . .	September 4, 1900
China . . . . .	November 21, 1904
Denmark . . . . .	September 4, 1900
France . . . . .	September 4, 1900
Germany . . . . .	September 4, 1900
Great Britain . . . . .	September 4, 1900
Greece . . . . .	April 4, 1901
Italy . . . . .	September 4, 1900
Japan . . . . .	October 6, 1900
Luxemburg . . . . .	July 12, 1901
Mexico . . . . .	April 17, 1901
Montenegro . . . . .	October 16, 1900
Netherlands . . . . .	September 4, 1900
Norway . . . . .	(See Sweden and Norway.)
Persia . . . . .	September 4, 1900
Portugal . . . . .	September 4, 1900
Roumania . . . . .	September 4, 1900
Russia . . . . .	September 4, 1900
Servia . . . . .	May 11, 1901
Siam . . . . .	September 4, 1900
Spain . . . . .	September 4, 1900
Sweden and Norway . . . . .	September 4, 1900
Switzerland . . . . .	December 29, 1900
Turkey . . . . .	June 12, 1907
United States . . . . .	September 4, 1900

*Adhesions:*

Argentine Republic . . . . .	June 17, 1907
Bolivia . . . . .	February 7, 1907
Brazil . . . . .	February 25, 1907
Chile . . . . .	June 19, 1907
Colombia . . . . .	January 30, 1907



Cuba . . . . .	June 29, 1907
Dominican Republic . . . . .	June 29, 1907
Ecuador . . . . .	August 5, 1907
Guatemala . . . . .	April 6, 1903
Haiti . . . . .	June 29, 1907
Honduras . . . . .	August 21, 1906
Korea . . . . .	February 7, 1903
Nicaragua . . . . .	May 17, 1907
Panama . . . . .	July 22, 1907
Paraguay . . . . .	June 29, 1907
Peru . . . . .	November 24, 1903
Salvador . . . . .	June 20, 1902
Uruguay . . . . .	June 21, 1906
Venezuela . . . . .	March 1, 1907

#### *Reservations:*

Germany, Great Britain, Turkey and United States signed with reservation of Article 10. It was subsequently agreed, on an understanding reached by the Government of the Netherlands with the signatory Powers, to exclude Article 10 from all ratifications of the Convention.<sup>1</sup>

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**The 1907 Convention** was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	November 27, 1909
Belgium . . . . .	August 8, 1910
Bolivia . . . . .	November 27, 1909
Brazil . . . . .	January 5, 1914
China . . . . .	November 27, 1909
Cuba . . . . .	February 22, 1912
Denmark . . . . .	November 27, 1909
France . . . . .	October 7, 1910
Germany . . . . .	November 27, 1909
Guatemala . . . . .	March 15, 1911

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<sup>1</sup>U. S. Statutes at Large, vol. 32, p. 1837.

Haiti . . . . .	February 2, 1910
Japan . . . . .	December 13, 1911
Luxemburg . . . . .	September 5, 1912
Mexico . . . . .	November 27, 1909
Netherlands . . . . .	November 27, 1909
Norway . . . . .	September 19, 1910
Panama . . . . .	September 11, 1911
Portugal . . . . .	April 13, 1911
Roumania . . . . .	March 1, 1912
Russia . . . . .	November 27, 1909
Salvador . . . . .	November 27, 1909
Siam . . . . .	March 12, 1910
Spain . . . . .	March 18, 1913
Sweden . . . . .	July 13, 1911
Switzerland . . . . .	May 12, 1910
United States . . . . .	November 27, 1909

*Adhesion:*

Nicaragua . . . . .	December 16, 1909
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The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Servia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela
Italy	

*Reservations.<sup>1</sup>*

China

Under reservation of Article 21.<sup>2</sup>

<sup>1</sup>All these reservations were made at signature.

<sup>2</sup>Reservation maintained at ratification.



### Great Britain

Under reservation of Articles 6 and 21 and of the following declaration:

In affixing their signatures to the above Convention, the British plenipotentiaries declare that His Majesty's Government understand Article 12 to apply only to the case of combatants rescued during or after a naval engagement in which they have taken part.

### Persia

Under reservation of the right, admitted by the Conference, to use the Lion and Red Sun instead of and in the place of the Red Cross.

### Turkey

Under reservation of the right admitted by the Peace Conference to use the Red Crescent.





I

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 7

## THE HAGUE DECLARATIONS OF 1899 (IV, 1) AND 1907 (XIV) PROHIBITING THE DIS- CHARGE OF PROJECTILES AND EXPLOSIVES FROM BALLOONS

Mr. J. D. ...  
my father

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PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.



THE HAGUE DECLARATIONS OF 1899 (IV, 1) AND 1907 (XIV)  
PROHIBITING THE DISCHARGE OF PROJECTILES  
AND EXPLOSIVES FROM BALLOONS

1899

DECLARATION (IV, 1) to prohibit for the term of five years the launching of projectiles and explosives from balloons, and other new methods of a similar nature.—Signed at The Hague, July 29, 1899.

The undersigned, plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare that:

The contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of similar nature.

1907

DECLARATION (XIV) prohibiting the discharge of projectiles and explosives from balloons.—Signed at The Hague, October 18, 1907.\*

The undersigned, plenipotentiaries of the Powers *invited to the Second International Peace Conference* at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868, *and being desirous of renewing the declaration of The Hague of the 29th July, 1899, which has now expired,*

Declare:

The contracting Powers agree to prohibit, for a *period extending to the close of the Third Peace Conference*, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

International  
Declaration.

Launching  
projectiles  
from balloons,  
etc., prohibited.

\*Italics indicate differences between the Declarations of 1899 and 1907.

## 1899

## Powers bound.

The present Declaration is only binding on the contracting Powers in case of war between two or more of them.

## Exemption.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

## Ratification.

The present Declaration shall be ratified as soon as possible.

Deposit at  
The Hague.

The ratifications shall be deposited at The Hague.

Certified copies  
to Powers

A procès-verbal shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

Adhesion of  
non-signatory  
Powers.

The non-signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and communicated by it to all the other contracting Powers.

## Denunciation.

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and by it forthwith communicated to all the other contracting Powers.

Notifying  
Power  
only affected.

This denunciation shall only affect the notifying Power.

## 1907

The present Declaration is only binding on the contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A procès-verbal shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the contracting Powers.

Non-signatory Powers may adhere to the present Declaration. To do so, they must make known their adhesion to the contracting Powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other contracting Powers.

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers.

This denunciation shall only have effect in regard to the notifying Power.



1899

In faith of which the plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the contracting Powers.

[Here follow signatures.]

1907

In faith whereof the plenipotentiaries have *appended their signatures* to the present Declaration.

Done at The Hague, *the 18th October, 1907*, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting Powers.

[Here follow signatures.]

Signing.

Deposit  
of original.

#### RATIFICATIONS, ADHESIONS AND RESERVATIONS

**The 1899 Declaration** was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	September 4, 1900
Belgium . . . . .	September 4, 1900
Bulgaria . . . . .	September 4, 1900
China . . . . .	November 21, 1904
Denmark . . . . .	September 4, 1900
France . . . . .	September 4, 1900
Germany . . . . .	September 4, 1900
Greece . . . . .	April 4, 1901
Italy . . . . .	September 4, 1900
Japan . . . . .	October 6, 1900
Luxemburg . . . . .	July 12, 1901
Mexico . . . . .	April 17, 1901
Montenegro . . . . .	October 16, 1900
Netherlands . . . . .	September 4, 1900
Norway . . . . .	(See Sweden and Norway)
Persia . . . . .	September 4, 1900
Portugal . . . . .	September 4, 1900
Roumania . . . . .	September 4, 1900
Russia . . . . .	September 4, 1900

Servia . . . . .	May 11, 1901
Siam . . . . .	September 4, 1900
Spain . . . . .	September 4, 1900
Sweden and Norway . . . . .	September, 4, 1900
Switzerland . . . . .	December 29, 1900
United States . . . . .	September 4, 1900

*Adhesions:* none.

Power which signed but did not ratify: Turkey.

*Reservations:* none.

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**The 1907 Declaration** was *ratified* by the following signatory Powers on the dates indicated:

Belgium . . . . .	August 8, 1910
Bolivia . . . . .	November 27, 1909
Brazil . . . . .	January 5, 1914
China . . . . .	November 27, 1909
Great Britain . . . . .	November 27, 1909
Haiti . . . . .	February 2, 1910
Luxemburg . . . . .	September 5, 1912
Netherlands . . . . .	November 27, 1909
Norway . . . . .	September 19, 1910
Panama . . . . .	September 11, 1911
Portugal . . . . .	April 13, 1911
Salvador . . . . .	November 27, 1909
Siam . . . . .	March 12, 1910
Switzerland . . . . .	May 12, 1910
United States . . . . .	November 27, 1909

*Adhesions:*

Liberia . . . . .	February 4, 1914
Nicaragua . . . . .	December 16, 1909



The following Powers signed the Declaration but have not yet ratified:

Argentine Republic  
Austria-Hungary  
Bulgaria  
Colombia  
Cuba  
Dominican Republic

Ecuador  
Greece  
Persia  
Peru  
Turkey  
Uruguay

*Reservations:* none.





# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 8

## THE HAGUE DECLARATION (IV, 2) OF 1899 CONCERNING ASPHYXIATING GASES

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PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.



## DECLARATION (IV, 2) CONCERNING ASPHYXIATING GASES

Signed at The Hague, July 29, 1899

The undersigned, plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The contracting Powers agree to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases.

Preamble.  
Abstention from  
use of projectiles  
diffusing  
asphyxiating gases.

The present Declaration is only binding on the contracting Powers in the case of a war between two or more of them.

Powers bound.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents shall be joined by a non-contracting Power.

Exemption.

The present Declaration shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at  
The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

Notification  
to Powers.

The non-signatory Powers can adhere to the present Declaration. For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

Adhesion.

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Government of the Netherlands, and forthwith communicated by it to all the other contracting Powers.

Denunciation.

This denunciation shall only affect the notifying Power.

Notifying Power  
only affected.

**Signing.** In faith of which the plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

**Deposit of original.** Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be sent by the diplomatic channel to the contracting Powers.

**Certified copies to Powers.**

[Here follow signatures.]

#### RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Declaration was *ratified* by all the signatory Powers on the dates indicated:

Austria-Hungary	September 4, 1900
Belgium	September 4, 1900
Bulgaria	September 4, 1900
China	November 21, 1904
Denmark	September 4, 1900
France	September 4, 1900
Germany	September 4, 1900
Greece	April 4, 1901
Italy	September 4, 1900
Japan	October 6, 1900
Luxemburg	July 12, 1901
Mexico	April 17, 1901
Montenegro	October 16, 1900
Netherlands	September 4, 1900
Norway	(See Sweden and Norway.)
Persia	September 4, 1900
Portugal	September 4, 1900
Roumania	September 4, 1900
Russia	September 4, 1900
Servia	May 11, 1901
Siam	September 4, 1900
Spain	September 4, 1900
Sweden and Norway	September 4, 1900
Switzerland	December 29, 1900
Turkey	June 12, 1907

#### *Adhesions:*

Great Britain	August 30, 1907
Nicaragua	October 11, 1907

*Reservations:* none.



2

# Carnegie Endowment for International Peace

[DIVISION OF INTERNATIONAL LAW:]

Pamphlet No. 9

## THE HAGUE DECLARATION (IV, 3) OF 1899 CONCERNING EXPANDING BULLETS

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PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.



## DECLARATION (IV, 3) CONCERNING EXPANDING BULLETS

Signed at The Hague, July 29, 1899

The undersigned, plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Preamble.

Declare as follows:

The contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core, or is pierced with incisions.

Abstention from use of expanding bullets.

The present Declaration is only binding for the contracting Powers in the case of a war between two or more of them.

Powers bound.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

Exemption.

The present Declaration shall be ratified as soon as possible.

Ratification.

The ratification shall be deposited at The Hague.

Deposit at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

Notification to Powers.

The non-signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

Adhesion.

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers.

Denunciation.

This denunciation shall only affect the notifying Power.

Notifying Power only affected.



**Signing.** In faith of which the plenipotentiaries have signed the present Declaration, and have affixed their seals thereto.

**Deposit of original.** Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the contracting Powers.

**Certified copies to Powers.**

[Here follow signatures.]

#### RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Declaration was *ratified* by all the signatory Powers on the dates indicated:

Austria-Hungary . . . . .	September 4, 1900
Belgium . . . . .	September 4, 1900
Bulgaria . . . . .	September 4, 1900
China . . . . .	November 21, 1904
Denmark . . . . .	September 4, 1900
France . . . . .	September 4, 1900
Germany . . . . .	September 4, 1900
Greece . . . . .	April 4, 1901
Italy . . . . .	September 4, 1900
Japan . . . . .	October 6, 1900
Luxemburg . . . . .	July 12, 1901
Mexico . . . . .	April 17, 1901
Montenegro . . . . .	October 16, 1900
Netherlands . . . . .	September 4, 1900
Norway . . . . .	(See Sweden and Norway.)
Persia . . . . .	September 4, 1900
Roumania . . . . .	September 4, 1900
Russia . . . . .	September 4, 1900
Servia . . . . .	May 11, 1901
Siam . . . . .	September 4, 1900
Spain . . . . .	September 4, 1900
Sweden and Norway . . . . .	September 4, 1900
Switzerland . . . . .	December 29, 1900
Turkey . . . . .	June 12, 1907

#### *Adhesions:*

Great Britain . . . . .	August 30, 1907
Nicaragua . . . . .	October 11, 1907
Portugal . . . . .	August 29, 1907

*Reservations:* none.

1

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 10

## THE FINAL ACTS OF THE FIRST AND SECOND HAGUE PEACE CONFERENCES, TOGETHER WITH THE DRAFT CONVENTION ON A JUDICIAL ARBITRATION COURT

*Jp. I - IV 1-40  
as published*

PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

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Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai-29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin-18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.



THE FINAL ACTS OF THE FIRST AND SECOND HAGUE PEACE  
CONFERENCES, TOGETHER WITH THE DRAFT CONVENTION  
ON A JUDICIAL ARBITRATION COURT

1899

FINAL ACT of the International  
Peace Conference.—Signed at  
The Hague, July 29, 1899.

The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled, on the invitation of the Government of Her Majesty the Queen of the Netherlands, in the Royal House in the Wood at The Hague on the 18th May, 1899.

The Powers enumerated in the following list took part in the Conference, to which they appointed the delegates named below :

For Germany :

His Excellency Count de Münster, German Ambassador at Paris, delegate plenipotentiary ;

The Baron de Stengel, professor at the University of Munich, second delegate ;

1907

FINAL ACT of the Second International Peace Conference.—Signed at The Hague, October 18, 1907.

The Second International Peace Conference, proposed in the first instance by the President of the United States of America, having been convoked, on the invitation of His Majesty the Emperor of All the Russias, by Her Majesty the Queen of the Netherlands, assembled on the 15th June, 1907, at The Hague, in the Hall of the Knights, for the purpose of giving a fresh development to the humanitarian principles which served as a basis for the work of the First Conference of 1899.

The following Powers took part in the Conference, and appointed the delegates named below :

Germany :

His Excellency Baron Marschall de Bieberstein, Minister of State, Imperial Ambassador at Constantinople, first delegate plenipotentiary ;

Mr. Kriege, Imperial Envoy on Extraordinary Mission at the

Convocation.

Delegates.

Germany.



## 1899

Dr. Zorn, Judicial Privy Councilor, professor at the University of Königsberg, scientific delegate;

Colonel de Gross de Schwarzhoff, Commandant of the 5th Regiment of Infantry, No. 94, technical delegate;

Captain Siegel, Naval Attaché to the Imperial Embassy at Paris, technical delegate.

## 1907

present Conference, Privy Councilor of Legation and Legal Adviser to the Ministry for Foreign Affairs, member of the Permanent Court of Arbitration, second delegate plenipotentiary;

Rear-Admiral Siegel, Naval Attaché to the Imperial Embassy at Paris, naval delegate; Major General de Gündell, Quartermaster General of the General Staff of the Royal Prussian Army, military delegate;

Mr. Zorn, professor to the Faculty of Law at the University of Bonn, Judicial Privy Councilor, member of the Prussian Upper Chamber, and Crown Syndic, scientific delegate;

Mr. Göppert, Counselor of Legation and Counselor attached to the Department for Foreign Affairs, assistant delegate;

Mr. Retzmann, Lieutenant Commander on the Naval General Staff, assistant naval delegate.

United States. For the United States of America:<sup>1</sup>  
His Excellency Mr. Andrew D. White, United States Ambassador at Berlin, delegate plenipotentiary;

The United States of America:  
His Excellency Mr. Joseph H. Choate, ex-Ambassador at London, Ambassador Extraordinary, delegate plenipotentiary;

<sup>1</sup>The order of the countries in the original of the 1899 Final Act has been here departed from in a few instances (United States, Mexico and Bulgaria) for the purpose of presenting each country's respective delegations to the 1899 and 1907 Conferences in juxtaposition.

1899

The Honorable Seth Low, president of the Colombia University at New York, delegate plenipotentiary;

Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

Captain Alfred T. Mahan, United States Navy, delegate plenipotentiary;

Mr. William Crozier, Captain of Artillery, delegate plenipotentiary;

Mr. Frederick W. Holls, advocate at New York, delegate and secretary to the delegation.

1907

His Excellency Mr. Horace Porter, ex-Ambassador at Paris, Ambassador Extraordinary, delegate plenipotentiary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary, delegate plenipotentiary;

His Excellency Mr. David Jayne Hill, ex-Assistant Secretary of State, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

Rear-Admiral Charles S. Sperry, ex-president of the Naval War College, Minister Plenipotentiary, delegate plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary, delegate plenipotentiary;

Mr. William I. Buchanan, ex-Minister at Buenos Aires, ex-Minister at Panama, Minister Plenipotentiary, delegate plenipotentiary;

Mr. James Brown Scott, Solicitor for the Department of State, technical delegate;

Mr. Charles Henry Butler, Reporter of the Supreme Court, technical delegate.

Argentine  
Republic.

1899

Austria-  
Hungary.

For Austria-Hungary:

His Excellency Count R. Welsersheimb, Ambassador Extraordinary and Plenipotentiary, first delegate, plenipotentiary;

Mr. Alexandre Okolicsányi d'Okolicsna, Envoy Extraordinary and Minister Plenipotentiary at The Hague, sec-

1907

The Argentine Republic:

His Excellency Mr. Roque Saenz Peña, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration, delegate plenipotentiary;

His Excellency Mr. Luis M. Drago, ex-Minister for Foreign Affairs, deputy member of the Permanent Court of Arbitration, delegate plenipotentiary;

His Excellency Mr. Carlos Rodríguez Larreta, ex-Minister for Foreign Affairs, member of the Permanent Court of Arbitration, delegate plenipotentiary;

General Francisco Reynolds, Military Attaché at Berlin, technical delegate;

Captain Juan A. Martin, ex-Minister of Marine, Naval Attaché at London, technical delegate.

Austria-Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, Privy Councilor of His Imperial and Royal Apostolic Majesty, Ambassador Extraordinary and Plenipotentiary, first delegate plenipotentiary;

His Excellency Baron Charles de Macchio, Envoy Extraor-



1899

ond delegate, plenipotentiary;  
Mr. Gaëtan Mérey de Kapos-  
Mére, Counselor of Embassy  
and Chief of Cabinet of the  
Minister for Foreign Affairs,  
assistant delegate;

Mr. Henri Lammasch, profes-  
sor at the University of Vi-  
enna, assistant delegate;

Mr. Victor de Khuepach zu  
Ried, Zimmerlehen and Hasl-  
burg, Lieutenant Colonel on  
the General Staff, assistant  
delegate;

Count Stanislas Soltyk, Captain  
of Corvette, assistant dele-  
gate.

For Belgium:

His Excellency Mr. Auguste  
Beernaert, Minister of State,  
President of the Chamber of  
Representatives, delegate  
plenipotentiary;

1907

dinary and Minister Pleni-  
potentiary at Athens, second  
delegate plenipotentiary;

Mr. Henri Lammasch, profes-  
sor at the University of Vi-  
enna, Aulic Councilor, mem-  
ber of the Austrian Upper  
Chamber of the Reichsrath,  
member of the Permanent  
Court of Arbitration, scien-  
tific delegate;

Mr. Antoine Haus, Rear-Ad-  
miral, naval delegate;

Baron Wladimir, Giesl de  
Gieslingen, Major General,  
Military Plenipotentiary at  
the Imperial and Royal Em-  
bassy at Constantinople and  
at the Imperial and Royal  
Legation at Athens, military  
delegate;

The Chevalier Othon de Weil,  
Aulic and Ministerial Coun-  
cilor at the Ministry of the  
Imperial and Royal House-  
hold and of Foreign Affairs,  
delegate;

Mr. Jules Szilassy de Szilas et  
Pilis, Counselor of Legation,  
delegate;

Mr. Emile Konek de Norwall,  
Naval Lieutenant of the First  
Class, delegate attached.

Belgium:

His Excellency Mr. A. Beer-  
naert, Minister of State,  
member of the Chamber of  
Representatives, member of  
the Institute of France and

Belgium.

## 1899

The Count de Grelle Rogier,  
Envoy Extraordinary and  
Minister Plenipotentiary at  
The Hague, delegate plenipo-  
tentiary ;

The Chevalier Descamps, Sena-  
tor, delegate plenipotentiary.

## 1907

of the Royal Academies of  
Belgium and Roumania, hon-  
orary member of the Insti-  
tute of International Law,  
member of the Permanent  
Court of Arbitration, dele-  
gate plenipotentiary ;

His Excellency Mr. J. van den  
Heuvel, Minister of State,  
ex-Minister of Justice, dele-  
gate plenipotentiary ;

His Excellency Baron Guil-  
laume, Envoy Extraordinary  
and Minister Plenipotentiary  
at The Hague, member of the  
Royal Academy of Rouma-  
nia, delegate plenipotentiary.

## Bolivia :

His Excellency Mr. Claudio  
Pinilla, Minister for Foreign  
Affairs, member of the Per-  
manent Court of Arbitration,  
delegate plenipotentiary ;

His Excellency Mr. Fernando  
E. Guachalla, Minister Pleni-  
potentiary at London, dele-  
gate plenipotentiary.

## Brazil :

His Excellency Mr. Ruy Bar-  
bosa, Ambassador Extraor-  
dinary and Plenipotentiary,  
Vice-President of the Senate,  
member of the Permanent  
Court of Arbitration, dele-  
gate plenipotentiary ;

His Excellency Mr. Eduardo F.  
S. dos Santos Lisboa. Envoy  
Extraordinary and Minister

Bolivia

Brazil

1899

For Bulgaria:<sup>1</sup>

Dr. Dimitri I. Stancioff, Diplomatic Agent at St. Petersburg, first delegate, plenipotentiary;

Major Christo Hessáptchieff, Military Attaché at Belgrade, second delegate, plenipotentiary.

1907

Plenipotentiary at The Hague, delegate plenipotentiary;

Colonel Roberto Trompowsky Leitão de Almeida, Military Attaché at The Hague, technical delegate;

Commander Tancredo Burlamaqui de Moura, technical delegate.

Bulgaria:

Bulgaria.

Major General on the Staff Vrbán Vinaroff, General *à la suite*, first delegate plenipotentiary;

Mr. Ivan Karandjouloff, Procureur-Général of the Court of Cassation, second delegate plenipotentiary;

Commander S. Dimitrieff, Chief of the Staff of the Bulgarian Flotilla, delegate.

Chile:

Chile.

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary at London, delegate plenipotentiary;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary at Berlin, delegate plenipotentiary;

His Excellency Mr. Carlos Concha, ex-Minister of War, ex-President of the Chamber of Deputies, ex-Envoy Extraordinary and Minister Plenipotentiary at Buenos

<sup>1</sup>See footnote on p. 2.



1899

## China.

## For China :

- Mr. Yang Yü, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, first delegate, plenipotentiary ;  
 Mr. Lou-Tseng-Tsiang, second delegate ;  
 Mr. Hoo-Wei-Teh, second delegate ;  
 Mr. Ho-Yen-Cheng, Counselor of Legation, assistant delegate.

## Colombia.

1907

Aires, delegate plenipotentiary.

## China :

- His Excellency Mr. Lou-Tseng-Tsiang, Ambassador Extraordinary, delegate plenipotentiary ;  
 His Excellency the Honorable John W. Foster, ex-Secretary of State at the United States Department for Foreign Affairs, delegate plenipotentiary ;  
 His Excellency Mr. Tsien-Sun, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;  
 Colonel W. S. Y. Tinge, Judge Advocate General at the War Office, military delegate ;  
 Mr. Chang Ching Tong, Secretary of Legation, assistant delegate ;  
 Mr. Chao-Hi-Chiu, ex-Secretary of the Imperial Chinese Mission and Legation at Paris and Rome, assistant delegate.

## Colombia :

- General Jorge Holguin, delegate plenipotentiary ;  
 Mr. Santiago Perez Triana, delegate plenipotentiary ;  
 His Excellency General M. Vargas, Envoy Extraordinary and Minister Plenipotentiary at Paris, delegate plenipotentiary.

1899

1907

## The Republic of Cuba :

Cuba.

Mr. Antonio Sanchez de Bustamante, professor of international law at the University of Havana, Senator of the Republic, delegate plenipotentiary ;

His Excellency Mr. Gonzalo de Quesada y Arostégui, Envoy Extraordinary and Minister Plenipotentiary at Washington, delegate plenipotentiary ;

Mr. Manuel Sanguily, ex-director of the Institute of Secondary Education at Havana, Senator of the Republic, delegate plenipotentiary.

## For Denmark :

Chamberlain Fr. E. de Bille, Envoy Extraordinary and Minister Plenipotentiary at London, first delegate, plenipotentiary ;

Mr. J. G. F. von Schnack, Colonel of Artillery, ex-Minister for War, second delegate, plenipotentiary.

## Denmark :

Denmark.

His Excellency Mr. C. Brun, Envoy Extraordinary and Minister Plenipotentiary at Washington, first delegate plenipotentiary ;

Rear-Admiral C. F. Scheller, second delegate plenipotentiary ;

Mr. A. Vedel, Chamberlain, Head of Department at the Royal Ministry for Foreign Affairs, third delegate plenipotentiary.

## The Dominican Republic :

Dominican Republic.

Mr. Francisco Henriquez i Carvajal, ex-Minister for Foreign Affairs, member of the Permanent Court of Arbitration, delegate plenipotentiary ;

Mr. Apolinar Tejera, rector of the Professional Institute of

1899

1907

Ecuador.

The Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary at Paris and Madrid, delegate plenipotentiary;

Mr. Enrique Dorn y de Alsua, Chargé d'Affaires, delegate plenipotentiary.

Spain.

For Spain:

His Excellency Duke de Tetuan, ex-Minister for Foreign Affairs, first delegate, plenipotentiary;

Mr. W. Ramirez de Villa Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, delegate plenipotentiary;

Mr. Arthur de Baguer, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

The Count del Serrallo, Colonel, Military Attaché to the Spanish Legation at Brussels, assistant delegate.

France.

For France:

Mr. Léon Bourgeois, ex-President of Council, ex-Minister

Spain:

His Excellency Mr. W. R. de Villa-Urrutia, Senator, ex-Minister for Foreign Affairs, Ambassador Extraordinary and Plenipotentiary at London, first delegate plenipotentiary;

His Excellency Mr. José de la Rica y Calvo, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

Mr. Gabriel Maura y Gamazo, Count de la Mortera, Deputy to the Cortes, delegate plenipotentiary;

Mr. J. Jofre Montojo, Colonel on the Staff, Aide-de-camp to the Minister of War, assistant military delegate;

Captain Francisco Chacon, assistant naval delegate.

France:

His Excellency Mr. Léon Bourgeois, Ambassador Extraor-



## 1899

for Foreign Affairs, member of the Chamber of Deputies, first delegate, plenipotentiary;

Mr. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate, plenipotentiary;

The Baron d'Estournelles de Constant, Minister Plenipotentiary, member of the Chamber of Deputies, third delegate, plenipotentiary;

Mr. Mounier, General of Brigade, technical delegate.

Mr. Péphau, Rear-Admiral, technical delegate;

Mr. Louis Renault, professor at the Faculty of Law at Paris, Legal Adviser to the Ministry for Foreign Affairs, technical delegate.

## 1907

dinary, Senator, ex-President of the Council, ex-Minister for Foreign Affairs, member of the Permanent Court of Arbitration, delegate, first plenipotentiary;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, member of the Permanent Court of Arbitration, delegate, second plenipotentiary;

Mr. Louis Renault, professor at the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, member of the Institute, member of the Permanent Court of Arbitration, delegate, third plenipotentiary;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate, fourth plenipotentiary;

General of Division Amourel, military delegate;

Rear-Admiral Arago, naval delegate;

Mr. Fromageot, advocate at the Court of Appeal at Paris, technical delegate;

Captain Lacaze, second naval delegate;

Lieutenant Colonel Siben, Military Attaché at Brussels and The Hague, second military delegate.

1899

Great Britain.

For Great Britain and Ireland :

His Excellency the Right Honorable Sir Julian Pauncefote, member of Her Majesty's Privy Council, Ambassador Extraordinary and Plenipotentiary of the United Kingdom at Washington, first delegate, plenipotentiary ;

Sir Henry Howard, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate, plenipotentiary ;

Sir John A. Fisher, Vice-Admiral, technical delegate ;

Sir J. C. Ardagh, Major General, technical delegate ;

Lieutenant Colonel C. à Court, Military Attaché at Brussels and The Hague, assistant technical delegate.

1907

Great Britain :

His Excellency the Right Honorable Sir Edward Fry, G.C.B., member of the Privy Council, Ambassador Extraordinary, member of the Permanent Court of Arbitration, delegate plenipotentiary ;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., member of the Privy Council, member of the Permanent Court of Arbitration, delegate plenipotentiary ;

His Excellency the Right Honorable Lord Reay, G.C.S.I., G.C.I.E., member of the Privy Council, ex-president of the Institute of International Law, delegate plenipotentiary ;

His Excellency Sir Henry Howard, K.C.M.G., C.B., Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;

Lieutenant General Sir Edmond R. Elles, G.C.I.E., K.C.B., military delegate ;

Captain C. L. Ottley, M.V.O., R.N., A.D.C., naval delegate ;

Mr. Eyre Crowe, Counselor of Embassy, technical delegate, first secretary to the delegation ;

Mr. Cecil Hurst, Counselor of Embassy, technical delegate,

1899

1907

legal adviser to the delegation;

Lieutenant Colonel the Honorable Henry Yarde-Buller, D.S.O., Military Attaché at The Hague, technical delegate;

Commander J. R. Segrave, R. N., technical delegate;

Major George K. Cockerill, General Staff, technical delegate.

For Greece:

Mr. N. Delyannis, ex-President of the Council, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Paris, delegate plenipotentiary.

Greece:

Greece.

His Excellency Mr. Cléon Rizo Rangabé, Envoy Extraordinary and Minister Plenipotentiary at Berlin, first delegate plenipotentiary;

Mr. Georges Streit, professor of international law at the University of Athens, member of the Permanent Court of Arbitration, second delegate plenipotentiary;

Colonel of Artillery C. Sarpountzakis, Chief of the General Staff, technical delegate.

Guatemala:

Guatemala.

Mr. José Tible Machado, Chargé d'Affaires at The Hague and London, member of the Permanent Court of Arbitration, delegate plenipotentiary;

Mr. Enrique Gomez Carrillo, Chargé d'Affaires at Berlin, delegate plenipotentiary.

The Republic of Haiti:

Haiti.

His Excellency Mr. Jean Joseph



1899

Italy.

For Italy :

His Excellency Count Nigra,  
Italian Ambassador at Vi-  
enna, Senator of the King-  
dom, first delegate, plenipo-  
tentiary ;

Count A. Zannini, Envoy Ex-  
traordinary and Minister  
Plenipotentiary at The  
Hague, second delegate, plen-  
ipotentiary ;

The Chevalier Guido Pompilj,  
Deputy in the Italian Parlia-  
ment, third delegate, plenipo-  
tentiary ;

The Chevalier Louis Zuccari,  
Major General, technical de-  
legate ;

The Chevalier Auguste Bianco,  
Captain, Naval Attaché to the  
Royal Embassy at London,  
technical delegate.

1907

Dalbémar, Envoy Extraordi-  
nary and Minister Plenipo-  
tentiary at Paris, delegate  
plenipotentiary ;

His Excellency Mr. J. N. Léger,  
Envoy Extraordinary and  
Minister Plenipotentiary at  
Washington, delegate plen-  
ipotentiary ;

Mr. Pierre Hudicourt, ex-pro-  
fessor of international public  
law, advocate at the bar of  
Port au Prince, delegate plen-  
ipotentiary.

Italy :

His Excellency Count Joseph  
Tornielli Brusati di Vergano,  
Senator of the Kingdom, Am-  
bassador of His Majesty the  
King at Paris, member of the  
Permanent Court of Arbitra-  
tion, president of the Italian  
delegation, delegate plenipo-  
tentiary ;

His Excellency Mr. Guido  
Pompilj, Parliamentary Dep-  
uty, Under-Secretary of  
State at the Royal Ministry  
for Foreign Affairs, delegate  
plenipotentiary ;

Mr. Guido Fusinato, Councilor  
of State, Parliamentary Dep-  
uty, ex-Minister of Educa-  
tion, delegate plenipotentiary ;

Mr. Marius Nicolis de Robilant,  
General of Brigade, technical  
delegate ;

Mr. François Castiglia, Captain  
in the Navy, technical de-  
legate.

1899

## For Japan:

The Baron Hayashi, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, first delegate, plenipotentiary;

Mr. I. Motono, Envoy Extraordinary and Minister Plenipotentiary at Brussels, second delegate, plenipotentiary;

Colonel Uyehara, technical delegate;

Captain Sakamoto, Japanese Navy, technical delegate;

Mr. Nagao Ariga, professor of international law at the Superior Military School and the Naval School of Tokio, technical delegate.

## For Luxemburg:

His Excellency Mr. Eyschen, Minister of State, President of the Grand Ducal Government, delegate plenipotentiary;

The Count de Villers, Chargé d'Affaires at Berlin, delegate plenipotentiary.

For the United States of Mexico:<sup>1</sup>

Mr. de Mier, Envoy Extraordinary and Minister Plenipo-

1907

## Japan:

His Excellency Mr. Keiroku Tsudzuki, Ambassador Extraordinary and Plenipotentiary, first delegate plenipotentiary;

His Excellency Mr. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate plenipotentiary;

Mr. Henry Willard Denison, Legal Adviser to the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration, technical delegate;

Major General Yoshifuru Akiyama, Inspector of Cavalry, technical delegate;

Rear-Admiral Hayao Shimamura, president of the Naval College at Etajima, technical delegate.

## Luxemburg:

His Excellency Mr. Eyschen, Minister of State, President of the Grand Ducal Government, delegate plenipotentiary;

Count de Villers, Chargé d'Affaires at Berlin, delegate plenipotentiary.

## Mexico:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary

Japan.

Luxemburg.

Mexico.

<sup>1</sup>See footnote on p. 2.

1899

tentiary at Paris, delegate plenipotentiary ;

Mr. Zenil, Minister Resident at Brussels, delegate plenipotentiary.

Montenegro.

For Montenegro :

His Excellency Mr. de Staal, Privy Councilor, Russian Ambassador at London, delegate plenipotentiary.

Nicaragua.

1907

and Minister Plenipotentiary at Rome, first delegate plenipotentiary ;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris, second delegate plenipotentiary ;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, third delegate plenipotentiary.

Montenegro :

His Excellency Mr. Nélidow, Privy Councilor, Russian Ambassador at Paris, delegate plenipotentiary ;

His Excellency Mr. de Martens, Privy Councilor, permanent member of the Council of the Imperial Russian Ministry for Foreign Affairs, delegate plenipotentiary ;

His Excellency Mr. Tcharykow, Councilor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary of Russia at The Hague, delegate plenipotentiary.

Nicaragua :

His Excellency Mr. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary at Paris, delegate plenipotentiary.



1899

1907

Norway:<sup>1</sup>

Norway.

His Excellency Mr. Francis Hagerup, ex-President of the Council, ex-professor of law, member of the Permanent Court of Arbitration, Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, delegate plenipotentiary;

Mr. Joachim Grieg, ship-owner and Deputy, technical delegate;

Mr. Christian Lous Lang, Secretary to the Nobel Committee of the Norwegian Storting, technical delegate.

Panama:

Panama.

Mr. Belisario Porras, delegate plenipotentiary.

Paraguay:

Paraguay.

His Excellency Mr. Eusebio Machain, Envoy Extraordinary and Minister Plenipotentiary at Paris, delegate plenipotentiary.

For the Netherlands:

The Netherlands:

Netherlands.

Jonkheer A. P. C. van Karnebeek, ex-Minister for Foreign Affairs, member of the Second Chamber of the States-General, delegate plenipotentiary;

General J. C. C. den Beer Poortugael, ex-Minister for War, member of the Council of

Mr. W. H. de Beaufort, ex-Minister for Foreign Affairs, member of the Second Chamber of the States-General, delegate plenipotentiary.

His Excellency Mr. T. M. C. Asser, Minister of State, member of the Council of State, member of the Perma-

<sup>1</sup>Sweden and Norway constituted a Union until 1905. For their delegation to the First Conference, see p. 23.

## 1899

State, delegate plenipotentiary;

Mr. T. M. C. Asser, member of the Council of State, delegate plenipotentiary;

Mr. E. N. Rahusen, member of the First Chamber of the States-General, delegate plenipotentiary;

Captain A. P. Tadema, Chief of the Staff of the Netherlands Marine, technical delegate.

## 1907

ment Court of Arbitration, delegate plenipotentiary;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General on the retired list, ex-Minister of War, member of the Council of State, delegate plenipotentiary;

His Excellency Jonkheer J. A. Röell, Aide-de-camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral on the retired list, ex-Minister of Marine, delegate plenipotentiary;

Mr. J. A. Loeff, ex-Minister of Justice, member of the Second Chamber of the States-General, delegate plenipotentiary;

Mr. H. L. van Oordt, Lieutenant Colonel on the Staff, professor at the Higher Military College, technical delegate;

Jonkheer W. J. M. van Eysinga, Head of the Political Section at the Ministry for Foreign Affairs, assistant delegate;

Jonkheer H. A. van Karnebeek, Gentleman of the Chamber, Assistant Head of Department at the Colonial Office, assistant delegate;

Mr. H. G. Surie, Naval Lieutenant of the First Class, technical delegate.

1899

## For Persia:

Aide-de-Camp General Mirza Riza Khan (Arfa-ud-Dovleh), Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Stockholm, first delegate, plenipotentiary;

Mr. Mirza Samad Khan (Montazis-Saltaneh), Counselor of Legation at St. Petersburg, assistant delegate.

## For Portugal:

The Count de Macedo, Peer of the Kingdom, ex-Minister of Marine and the Colonies, Envoy Extraordinary and Minister Plenipotentiary at Madrid, delegate plenipotentiary;

Mr. d'Ornellas Vasconcellos, Peer of the Kingdom, Envoy Extraordinary and Minister Plenipotentiary at St. Peters-

1907

## Peru:

Peru.

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary at Paris and London, member of the Permanent Court of Arbitration, delegate plenipotentiary;

Mr. Gustavo de la Fuente, First Secretary of Legation at Paris, assistant delegate.

## Persia:

Persia.

His Excellency Samad Khan Momtas-es-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris, member of the Permanent Court of Arbitration, delegate, first plenipotentiary;

His Excellency Mirza Ahmed Khan Sadig-ul-Mulkh, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

Mr. Hennebicq, Legal Adviser to the Minister for Foreign Affairs at Teheran, technical delegate.

## Portugal:

Portugal.

His Excellency the Marquis de Soveral, Councilor of State, Peer of the Realm, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at London, Ambassador Extraordinary and Plenipotentiary, delegate plenipotentiary;

His Excellency Count de Sélir.



1899

burg, delegate plenipotentiary;

The Count de Séfir, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

Captain Augusto de Castilho, technical delegate;

Captain on the General Staff Ayres d'Ornellas, technical delegate.

Roumania.

For Roumania:

Mr. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, first delegate, plenipotentiary;

Mr. Jean N. Papiniu, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate, plenipotentiary;

Aide-de-Camp Colonel Constantin Coanda, Director of Artillery at the Ministry for War, technical delegate.

Russia.

For Russia:

His Excellency Mr. de Staal, Privy Councilor, Russian Ambassador at London, delegate plenipotentiary;

Mr. de Martens, permanent member of the Council of the Imperial Ministry for For-

1907

Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

His Excellency Mr. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne, delegate plenipotentiary;

Lieutenant Colonel Thomaz Antonio Garcia Rosado, General Staff, technical delegate;

Mr. Guilherme Ivens Ferraz, Lieutenant Commander in the Navy, technical delegate.

Roumania:

His Excellency Mr. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, first delegate plenipotentiary;

His Excellency Mr. Edgard Mavrocordato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate plenipotentiary;

Captain Alexander Sturdza, General Staff, technical delegate.

Russia:

His Excellency Mr. Nélidow, Privy Councilor, Russian Ambassador at Paris, delegate plenipotentiary;

His Excellency Mr. de Martens, Privy Councilor, permanent member of the Council of the

## 1899

Foreign Affairs, Privy Councilor, delegate plenipotentiary ;  
 Mr. de Basily, Councilor of State, Chamberlain, Director of the First Department of the Imperial Ministry for Foreign Affairs, delegate plenipotentiary ;  
 Mr. Raffalovich, Councilor of State, Agent in France of the Imperial Ministry for Finance, technical delegate ;  
 Mr. Gilinsky, Colonel on the General Staff, technical delegate ;  
 Count Barantzew, Colonel of Horse Artillery of the Guard, technical delegate ;  
 Captain Schéine, Russian Naval Agent in France, technical delegate ;  
 Mr. Ovtchinnikow, Naval Lieutenant, professor of jurisprudence, technical delegate.

## 1907

Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration, delegate plenipotentiary ;  
 His Excellency Mr. Tcharykow, Councilor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;  
 Mr. Prozor, Councilor of State, Chamberlain, Russian Minister at Rio de Janeiro, technical delegate ;  
 Major General Yermolow, Military Attaché at London, technical delegate.  
 Colonel Michelson, Military Attaché at Berlin, technical delegate ;  
 Captain Behr, Naval Attaché at London, technical delegate ;  
 Colonel Ovtchinnikow, of the Admiralty, professor of international law at the Naval Academy, technical delegate.

## Salvador :

Salvador.

Mr. Pedro J. Matheu, Chargé d'Affaires at Paris, member of the Permanent Court of Arbitration, delegate plenipotentiary ;  
 Mr. Santiago Perez Triana, Chargé d'Affaires at London, member of the Permanent Court of Arbitration, delegate plenipotentiary.



1899

Servia.

For Servia:

Mr. Miyatovitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate plenipotentiary;

Colonel Maschine, Envoy Extraordinary and Minister Plenipotentiary at Cettinje, delegate plenipotentiary;

Dr. Voislave Veljkovitch, professor in the Faculty of Law at Belgrade, assistant delegate.

Siam.

For Siam:

His Excellency Phya Suriya Nuvatr, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Paris, first delegate, plenipotentiary;

His Excellency Phya Visuddha Suriya Sakdi, Envoy Extraordinary and Minister Plenipotentiary at The Hague and London, second delegate, plenipotentiary;

Mr. Ch. Corragioni d'Orelli, Counselor of Legation, third delegate;

Mr. Édouard Rolin, Siamese Consul General in Belgium, fourth delegate.

1907

Servia:

His Excellency General Sava Grouitch, President of the Council of State, delegate plenipotentiary;

His Excellency Mr. Milovan Milovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration, delegate plenipotentiary;

His Excellency Mr. Michel Militchévitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate plenipotentiary.

Siam:

Major General Mom Chatidej Udom, delegate plenipotentiary;

Mr. Corragioni d'Orelli, Counselor of Legation at Paris, delegate plenipotentiary;

Captain Luang Bhuvanarth Narübal, delegate plenipotentiary.



1899

For Sweden and Norway:

The Baron de Bildt, Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Italy, delegate plenipotentiary.

*Sweden:*

Colonel P. H. E. Brändström, Chief of First Regiment of Grenadiers of the Guard, technical delegate;

Captain C. A. M. de Hjulhammar, Swedish Navy, technical delegate.

*Norway:*

Mr. W. Konow, President of the Odelsting, technical delegate;

Major General J. J. Thaulow, Surgeon General of the Army and Navy, technical delegate.

For Switzerland:

Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin, delegate plenipotentiary;

Colonel Arnold Künzli, National Councilor, delegate;

Mr. Édouard Odier, National Councilor, delegate plenipotentiary.

1907

Sweden:

Sweden.

His Excellency Mr. Knut Hjalmar Leonard de Hammar-skjöld, Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, ex-Minister of Justice, member of the Permanent Court of Arbitration, first delegate plenipotentiary;

Mr. Johannes Hellner, ex-Minister without Portfolio, ex-member of the Supreme Court of Sweden, member of the Permanent Court of Arbitration, second delegate plenipotentiary.

Colonel David Hedengren, Commanding a Regiment of Artillery, technical delegate; Commander Gustaf de Klint, Head of a Section on the Staff of the Royal Navy, technical delegate.

Switzerland:

Switzerland.

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate plenipotentiary;

Mr. Eugène Borel, Colonel on the General Staff, professor at the University of Geneva, delegate plenipotentiary;

Mr. Max Huber, professor of law at the University of Zürich, delegate plenipotentiary.

1899

Turkey.

For Turkey:

His Excellency Turkhan Pasha,  
ex-Minister for Foreign Af-  
fairs, member of the Council  
of State, first delegate, pleni-  
potentiary;

Noury Bey, Secretary General  
to the Ministry for Foreign  
Affairs, delegate plenipoten-  
tiary;

Abdullah Pasha, General of Di-  
vision of the Staff, delegate  
plenipotentiary;

Mehemed Pasha, Rear-Admiral,  
delegate plenipotentiary.

Uruguay.

Venezuela.

1907

Turkey:

His Excellency Turkhan Pasha,  
Ambassador Extraordinary,  
Minister of the Evkaf, first  
delegate plenipotentiary;

His Excellency Rechid Bey,  
Turkish Ambassador at  
Rome, delegate plenipoten-  
tiary;

His Excellency Vice-Admiral  
Mehemed Pasha, delegate  
plenipotentiary;

Raïf Bey, Legal Adviser on the  
Civil List, assistant delegate;  
Colonel on the Staff Mehemed  
Saïd Bey, assistant delegate.

Uruguay:

Mr. José Batlle y Ordóñez, ex-  
President of the Republic,  
member of the Permanent  
Court of Arbitration, first  
delegate plenipotentiary;

His Excellency Mr. Juan P.  
Castro, ex-President of the  
Senate, Envoy Extraordinary  
and Minister Plenipotentiary  
at Paris, member of the Per-  
manent Court of Arbitration,  
delegate plenipotentiary;

Colonel Sebastian Buquet,  
Commanding a Regiment of  
Field Artillery, technical de-  
legate.

The United States of Venezuela:

Mr. José Gil Fortoul, Chargé  
d'Affaires at Berlin, delegate  
plenipotentiary.

## 1899

In a series of meetings, between the 18th May and the 29th July, 1899, in which the constant desire of the delegates above-mentioned has been to realize, in the fullest manner possible, the generous views of the august initiator of the Conference and the intentions of their Governments, the Conference has agreed, for submission for signature by the plenipotentiaries, on the text of the Conventions and Declarations enumerated below and annexed to the present Act:

I. Convention for the peaceful adjustment of international differences.

II. Convention regarding the laws and customs of war on land.

## 1907

At a series of meetings, held from the 15th June to the 18th October, 1907, in which the above delegates were throughout animated by the desire to realize, in the fullest possible measure, the generous views of the august initiator of the Conference and the intentions of their Governments, the Conference drew up, for submission for signature by the plenipotentiaries, the text of the Conventions and of the Declaration enumerated below and annexed to the present Act:

I. Convention for the pacific settlement of international disputes.

II. Convention respecting the limitation of the employment of force for the recovery of contract debts.

III. Convention relative to the opening of hostilities.

IV. Convention respecting the laws and customs of war on land.

V. Convention respecting the rights and duties of neutral powers and persons in case of war on land.

VI. Convention relative to the status of enemy merchant ships at the outbreak of hostilities.

VII. Convention relative to the conversion of merchant ships into war-ships.

Preamble.

Conventions:  
Pacific  
settlements.

Contract debts.

Opening of  
hostilities.

Land warfare.

Neutrals in  
war on land.

Enemy mer-  
chant ships.

Conversion.



1899

Submarine  
mines.Naval  
bombardment.Geneva  
Convention.Capture in  
naval war.

Prize Court.

Neutrals in  
naval war.

Declarations:

Projectiles  
from balloons.Asphyxiating  
gases.Expanding  
bullets.

III. Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of the 22d August, 1864.

IV. Three Declarations:

1. To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.
2. To prohibit the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.
3. To prohibit the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.

1907

VIII. Convention relative to the laying of automatic submarine contact mines.

IX. Convention respecting bombardment by naval forces in time of war.

X. Convention for the adaptation to naval war of the principles of the Geneva Convention.

XI. Convention relative to certain restrictions with regard to the exercise of the right of capture in naval war.

XII. Convention relative to the creation of an International Prize Court.

XIII. Convention concerning the rights and duties of neutral Powers in naval war.

XIV. Declaration prohibiting the discharge of projectiles and explosives from balloons.

1899

These Conventions and Declarations shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 31st December, 1899, by the plenipotentiaries of the Powers represented at the International Peace Conference at The Hague.

1907

These Conventions and Declaration shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 30th June, 1908, at The Hague, by the plenipotentiaries of the Powers represented at the Second Peace Conference.

Signing  
of above.

The Conference, actuated by the spirit of mutual agreement and concession characterizing its deliberations, has agreed upon the following Declaration, which, while reserving to each of the Powers represented full liberty of action as regards voting, enables them to affirm the principles which they regard as unanimously admitted:

It is unanimous—

Declaration  
respecting  
obligatory  
arbitration.

1. In admitting the principle of compulsory arbitration.

2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of international agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in proclaiming that, although it has not yet been found feasible to conclude a Convention in this sense, nevertheless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by

1899

Resolution  
respecting  
limitation  
of military  
expenditure.

Guided by the same sentiments, the Conference has adopted unanimously the following Resolution:

The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind.

*Vœux.*

1. (1899) Revision of Geneva Convention.  
(1907) Judicial Arbitration Court.

It has besides, formulated the following *Vœux*:

1. The Conference, taking into consideration the preliminary step taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a special Conference having for its object the revision of that Convention.

This wish was voted unanimously.

1907

working together here during the past four months, the collected Powers not only have learnt to understand one another and to draw closer together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.

The Conference has further unanimously adopted the following Resolution:

The Second Peace Conference confirms the Resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question.

It has besides expressed the following *Vœux*:

1. The Conference calls the attention of the signatory Powers to the advisability of adopting the annexed draft Convention<sup>1</sup> for the creation of a Judicial Arbitration Court, and of bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the Court.

<sup>1</sup>*Post*, p. 31.



## 1899

2. The Conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the program of a Conference in the near future.
3. The Conference expresses the wish that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibers.
4. The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.
5. The Conference expresses the wish that the proposal, which contemplates the declaration of the inviolability of private property in naval warfare,

## 1907

2. The Conference expresses the opinion that, in case of war, the responsible authorities, civil as well as military, should make it their special duty to ensure and safeguard the maintenance of pacific relations, more especially of the commercial and industrial relations between the inhabitants of the belligerent States and neutral countries.
  3. The Conference expresses the opinion that the Powers should regulate, by special treaties, the position, as regards military charges, of foreigners residing within their territories.
  4. The Conference expresses the opinion that the preparation of regulations relative to the laws and customs of naval war should figure in the program of the next Conference, and that in any case the Powers may apply, as far as possible, to war by sea the principles of the Convention relative to the laws and customs of war on land.
- Finally, the Conference recommends to the Powers the assembly of a Third Peace Conference, which might be held within a period corresponding to that
2. (1899) Rights and duties of neutrals.  
(1907) Maintenance of relations between belligerents and neutrals.
3. (1899) Types and calibers of guns.  
(1907) Military charges on resident aliens.
4. (1899) Limitation of armed forces and budgets.  
(1907) Laws and customs of naval war.
5. (1899) Private property in naval war.  
(1907) Third Peace Conference.

1899

may be referred to a subsequent Conference for consideration.

1907

which has elapsed since the preceding Conference, at a date to be fixed by common agreement between the Powers, and it calls their attention to the necessity of preparing the program of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

In order to attain this object the Conference considers that it would be very desirable that, some two years before the probable date of the meeting, a preparatory committee should be charged by the Governments with the task of collecting the various proposals to be submitted to the Conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a program which the Governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the Conference itself.

6. (1899) Naval bombardment of ports, etc.

6. The Conference expresses the wish that the proposal to settle the question of the bombardment of ports, towns, and villages by a naval force may be referred to a subse-



1899

quent Conference for consideration.

The last five wishes were voted unanimously, saving some abstentions.

In faith of which, the plenipotentiaries have signed the present Act, and have affixed their seals thereto.

Done at The Hague, 29th July, 1899, in one copy only, which shall be deposited in the Ministry for Foreign Affairs, and of which copies, duly certified, shall be delivered to all the Powers represented at the Conference.

[Here follow signatures.]

1907

In faith whereof the Plenipotentiaries have signed the present Act and have affixed their seals thereto.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to all the Powers represented at the Conference.

[Here follow signatures.]

Signing

Deposit of original.

Certified copies to Powers.

## ANNEX TO THE FIRST OPINION EXPRESSED BY THE SECOND PEACE CONFERENCE

### DRAFT CONVENTION RELATIVE TO THE CREATION OF A JUDICIAL ARBITRATION COURT

#### PART I.—*Constitution of the Judicial Arbitration Court*

Constitution of Court.

#### ARTICLE 1

With a view to promoting the cause of arbitration, the contracting Powers agree to constitute, without altering the status of the Permanent Court of Arbitration, a Judicial Arbitration Court, of free and easy access, composed of judges representing the various juridical systems of the world, and capable of insuring continuity in jurisprudence of arbitration.

Status of Permanent Court of Arbitration not altered.

#### ARTICLE 2

The Judicial Arbitration Court is composed of judges and deputy judges chosen from persons of the highest moral reputation, and all

Qualifications of members of Court.



fulfilling conditions qualifying them, in their respective countries, to occupy high legal posts, or be jurists of recognized competence in matters of international law.

The judges and deputy judges of the Court are appointed, as far as possible, from the members of the Permanent Court of Arbitration. The appointment shall be made within the six months following the ratification of the present Convention.

### ARTICLE 3

Term of  
service.

The judges and deputy judges are appointed for a period of twelve years, counting from the date on which the appointment is notified to the Administrative Council created by the Convention for the pacific settlement of international disputes. Their appointments can be renewed.

Vacancies.

Should a judge or deputy judge die or retire, the vacancy is filled in the manner in which his appointment was made. In this case, the appointment is made for a fresh period of twelve years.

### ARTICLE 4

Rank of  
members.

The judges of the Judicial Arbitration Court are equal and rank according to the date on which their appointment was notified. The judge who is senior in point of age takes precedence when the date of notification is the same.

The deputy judges are assimilated, in the exercise of their functions, with the judges. They rank, however, below the latter.

### ARTICLE 5

Diplomatic  
privileges and  
immunities.

The judges enjoy diplomatic privileges and immunities in the exercise of their functions, outside their own country.

Before taking their seat, the judges and deputy judges must swear, before the Administrative Council, or make a solemn affirmation to exercise their functions impartially and conscientiously.

### ARTICLE 6

Special  
delegation.

The Court annually nominates three judges to form a special delegation and three more to replace them should the necessity arise. They may be reelected. They are balloted for. The persons who

secure the largest number of votes are considered elected. The delegation itself elects its president, who, in default of a majority, is appointed by lot.

A member of the delegation can not exercise his duties when the Power which appointed him, or of which he is a national, is one of the parties.

The members of the delegation are to conclude all matters submitted to them, even if the period for which they have been appointed judges has expired.

#### ARTICLE 7

A judge may not exercise his judicial functions in any case in which he has, in any way whatever, taken part in the decision of a national tribunal, of a tribunal of arbitration, or of a commission of inquiry, or has figured in the suit as counsel or advocate for one of the parties.

Disqualification  
of a judge.

A judge can not act as agent or advocate before the Judicial Arbitration Court or the Permanent Court of Arbitration, before a special tribunal of arbitration or a commission of inquiry, nor act for one of the parties in any capacity whatsoever so long as his appointment lasts.

#### ARTICLE 8

The Court elects its president and vice-president by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority and, in case the votes are even, by lot.

Court elects  
its president  
and vice-  
president.

#### ARTICLE 9

The judges of the Judicial Arbitration Court receive an annual salary of 6,000 Netherland florins. This salary is paid at the end of each half-year, reckoned from the date on which the Court meets for the first time.

Compensation  
of judges.

In the exercise of their duties during the sessions or in the special cases covered by the present Convention, they receive the sum of 100 florins *per diem*. They are further entitled to receive a traveling allowance fixed in accordance with regulations existing in their own country. The provisions of the present paragraph are applicable also to a deputy judge when acting for a judge.

These emoluments are included in the general expenses of the Court dealt with in Article 31, and are paid through the International Bureau



created by the Convention for the pacific settlement of international disputes.

#### ARTICLE 10.

The judges may not accept from their own Government or from that of any other Power any remuneration for services connected with their duties in their capacity of members of the Court.

#### ARTICLE 11

Seat of  
the Court.

The seat of the Judicial Court of Arbitration is at The Hague, and can not be transferred, unless absolutely obliged by circumstances, elsewhere.

The delegation may choose, with the assent of the parties concerned, another site for its meetings, if special circumstances render such a step necessary.

#### ARTICLE 12

Functions of  
Administrative  
Council.

The Administrative Council fulfils with regard to the Judicial Court of Arbitration the same functions as to the Permanent Court of Arbitration.

#### ARTICLE 13

Functions of  
International  
Bureau.

The International Bureau acts as registry to the Judicial Court of Arbitration, and must place its offices and staff at the disposal of the Court. It has charge of the archives and carries out the administrative work.

The secretary general of the Bureau discharges the functions of registrar.

Secretaries,  
etc., appointed  
by Court.

The necessary secretaries to assist the registrar, translators and shorthand writers are appointed and sworn in by the Court.

#### ARTICLE 14

Sessions.

The Court meets in session once a year. The session opens the third Wednesday in June and lasts until all the business on the agenda has been transacted.

The Court does not meet in session if the delegation considers that such meeting is unnecessary. However, when a Power is party in a case actually pending before the Court, the pleadings in which are closed, or about to be closed, it may insist that the session should be held.



When necessary, the delegation may summon the Court in extraordinary session.

#### ARTICLE 15

A report of the doings of the Court shall be drawn up every year by the delegation. This report shall be forwarded to the contracting Powers through the International Bureau. It shall also be communicated to the judges and deputy judges of the Court.

Report.

#### ARTICLE 16

The judges and deputy judges, members of the Judicial Arbitration Court, can also exercise the functions of judge and deputy judge in the International Prize Court.

Judges may exercise functions in International Prize Court.

### PART II.—*Competency and Procedure*

Competency and procedure.

#### ARTICLE 17

The Judicial Court of Arbitration is competent to deal with all cases submitted to it; in virtue either of a general undertaking to have recourse to arbitration or of a special agreement.

Competency of Court.

#### ARTICLE 18

The delegation is competent—

Competency of delegation.

1. To decide the arbitrations referred to in the preceding article, if the parties concerned are agreed that the summary procedure, laid down in Part IV, Chapter IV, of the Convention for the pacific settlement of international disputes is to be applied;

2. To hold an inquiry under and in accordance with Part III of the said Convention, in so far as the delegation is intrusted with such inquiry by the parties acting in common agreement. With the assent of the parties concerned, and as an exception to Article 7, paragraph 1, the members of the delegation who have taken part in the inquiry may sit as judges, if the case in dispute is submitted to the arbitration of the Court or of the delegation itself.

#### ARTICLE 19

The delegation is also competent to settle the *compromis* referred to in Article 52 of the Convention for the pacific settlement of international disputes if the parties are agreed to leave it to the Court.

Delegation may draw up *compromis* if parties agree;

It is equally competent to do so, even when the request is only made by one of the parties concerned, if all attempts have failed to reach an understanding through the diplomatic channel, in the case of—

or in case of  
a dispute  
governed by a  
general treaty;

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present Convention has come into force, providing for a *compromis* in all disputes, and not either explicitly or implicitly excluding the settlement of the *compromis* from the competence of the delegation. Recourse can not, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of questions to be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

or of one  
originating from  
contract debts.

2. A dispute arising from contract debts claimed from one Power by another Power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the *compromis* should be settled in some other way.

#### ARTICLE 20

Parties may  
nominate  
judges.

Each of the parties concerned may nominate a judge of the Court to take part, with power to vote, in the examination of the case submitted to the delegation.

If the delegation acts as a commission of inquiry, this task may be intrusted to persons other than the judges of the Court. The traveling expenses and remuneration to be given to the said persons are fixed and borne by the Powers appointing them.

#### ARTICLE 21

Contracting  
Powers only  
to have access  
to Court.

The contracting Powers only may have access to the Judicial Arbitration Court set up by the present Convention.

#### ARTICLE 22

Rules of  
procedure.

The Judicial Court of Arbitration follows the rules of procedure laid down in the Convention for the pacific settlement of international disputes, except in so far as the procedure is laid down in the present Convention.



## ARTICLE 23

The Court determines what language it will itself use and what languages may be used before it. Languages.

## ARTICLE 24

\* The International Bureau serves as channel for all communications to be made to the judges during the interchange of pleadings provided for in Article 63, paragraph 2, of the Convention for the pacific settlement of international disputes. International  
Bureau channel  
for com-  
munication.

## ARTICLE 25

For all notices to be served, in particular on the parties, witnesses, or experts, the Court may apply direct to the Government of the State on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence. Notices to  
be served.

The requests addressed for this purpose can only be rejected when the Power applied to considers them likely to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The Court is equally entitled to act through the Power on whose territory it sits.

Notices to be given to parties in the place where the Court sits may be served through the International Bureau.

## ARTICLE 26

The discussions are under the control of the president or vice-president, or, in case they are absent or can not act, of the senior judge present. Control of  
discussions.

The judge appointed by one of the parties can not preside.

## ARTICLE 27

The Court considers its decisions in private, and the proceedings are secret. Decisions and  
proceedings.

All decisions are arrived at by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge, in the order of precedence laid down in Article 4, paragraph 1, is not counted. Decisions  
by majority.



## ARTICLE 28

Requisites of  
judgment.

The judgment of the Court must give the reasons on which it is based. It contains the names of the judges taking part in it; it is signed by the president and registrar.

## ARTICLE 29

Payment  
of costs.

Each party pays its own costs and an equal share of the costs of the trial.

## ARTICLE 30

Articles 21 and  
29 applicable  
to procedure be-  
fore delegation.

The provisions of Articles 21 to 29 are applicable by analogy to the procedure before the delegation.

When the right of attaching a member to the delegation has been exercised by one of the parties only, the vote of the member attached is not recorded if the votes are evenly divided.

## ARTICLE 31

Expenses  
of Court.

The general expenses of the Court are borne by the contracting Powers.

The Administrative Council applies to the Powers to obtain the funds requisite for the working of the Court.

## ARTICLE 32

Rules of  
procedure.

The Court itself draws up its own rules of procedure, which must be communicated to the contracting Powers.

After the ratification of the present Convention the Court shall meet as early as possible in order to elaborate these rules, elect the president and vice-president, and appoint the members of the delegation.

## ARTICLE 33

Modifications  
in provisions  
respecting  
procedure.

The Court may propose modifications in the provisions of the present Convention concerning procedure. These proposals are communicated through the Netherland Government to the contracting Powers, which will consider together as to the measures to be taken.

PART III.—*Final Provisions*

Final provisions.

## ARTICLE 34

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at The Hague.

A *procès-verbal* of the deposit of each ratification shall be drawn up, of which a duly certified copy shall be sent through the diplomatic channel to all the signatory Powers.

## ARTICLE 35

The Convention shall come into force six months after its ratification.

Duration of Convention.

It shall remain in force for twelve years, and shall be tacitly renewed for periods of twelve years, unless denounced.

The denunciation must be notified, at least two years before the expiration of each period, to the Netherland Government, which will inform the other Powers.

Denunciation.

The denunciation shall only have effect in regard to the notifying Power. The Convention shall continue in force as far as the other Powers are concerned.

Notifying Power only affected.

SIGNATURES AND RESERVATION<sup>1</sup>

The 1899 Final Act was signed by plenipotentiaries of all the Powers represented at the First Conference, to wit:

Austria-Hungary	Montenegro
Belgium	Netherlands
Bulgaria	Persia
China	Portugal
Denmark	Roumania
France	Russia
Germany	Servia
Great Britain	Siam
Greece	Spain
Italy	Sweden and Norway
Japan	Switzerland
Luxemburg	Turkey
Mexico	United States

<sup>1</sup>The Final Acts, being summaries of the proceedings of the Conferences, are not conventional agreements and accordingly are not ratified.

The 1907 Final Act was signed by the above-mentioned Powers,<sup>1</sup> as well as by the following:

Argentine Republic	Guatemala
Bolivia	Haiti
Brazil	Nicaragua
Chile	Panama
Colombia	Peru
Cuba	Salvador
Dominican Republic	Uruguay
Ecuador	Venezuela

*Reservation:*<sup>2</sup>

Switzerland

Under reservation of *Vau* No. 1, which the Swiss Federal Council does not accept.

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<sup>1</sup>In 1907 Norway and Sweden signed as separate Powers.

<sup>2</sup>Reservation made at signature.



1

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

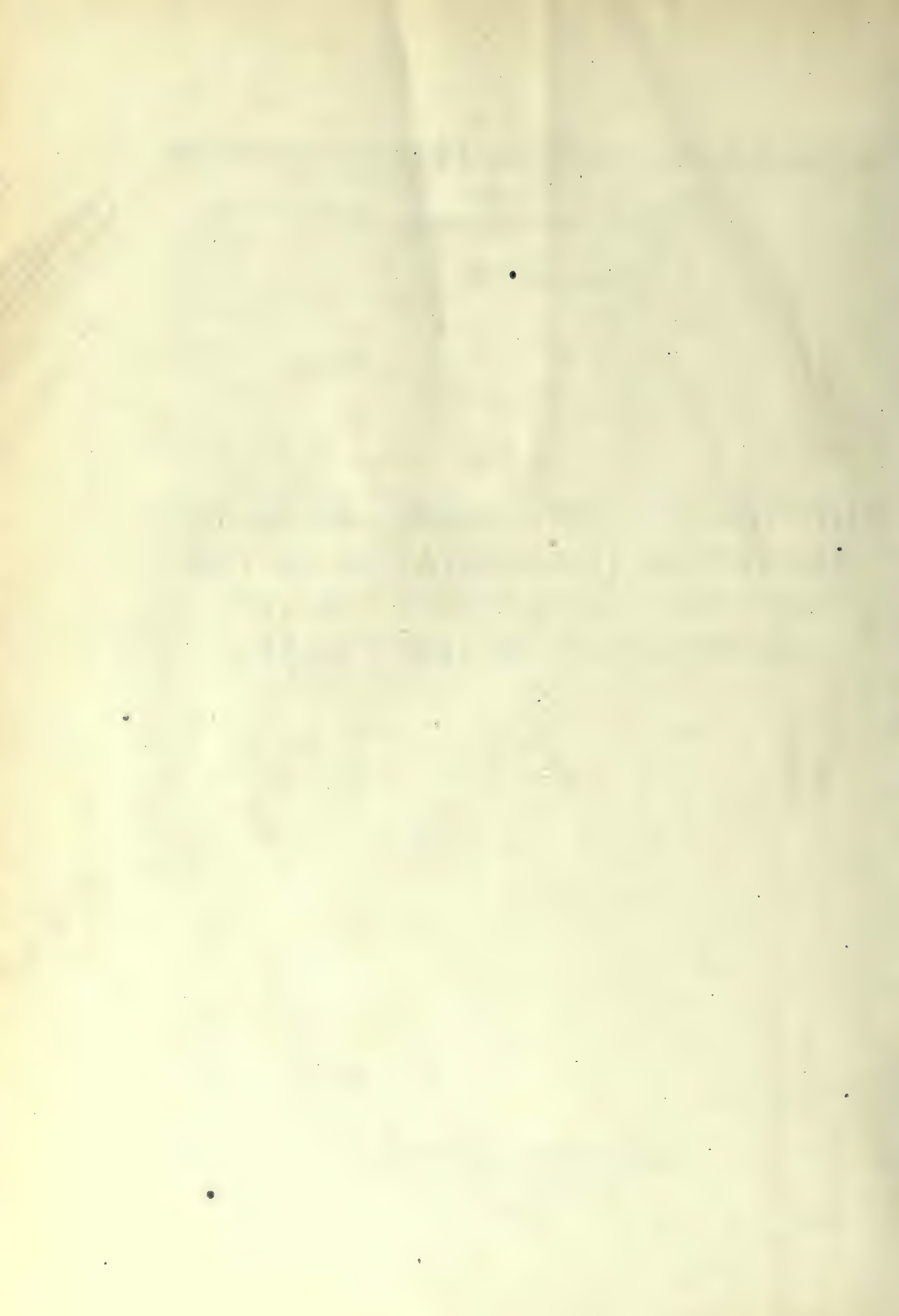
Pamphlet No. 11

## THE HAGUE CONVENTION (II) OF 1907 RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS

11 I-70, 1-7.

PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915



## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.



Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai-29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin-18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.

CONVENTION (II) RESPECTING THE LIMITATION OF THE EMPLOY-  
MENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia ; [etc.] :

Being desirous of avoiding between nations armed conflicts of a pecuniary origin arising from contract debts which are claimed from the Government of one country by the Government of another country as due to its nationals, have resolved to conclude a Convention to this effect, and have appointed the following as their plenipotentiaries:

Purpose of  
Convention.

[Here follow the names of the plenipotentiaries.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

The contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

Armed force  
not to be used  
for recovering  
contract debts.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any *compromis* from being agreed on, or, after the arbitration, fails to submit to the award.

Exception.

ARTICLE 2

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing article shall be subject to the procedure laid down in Part IV, Chapter III, of the Hague Convention for the pacific settlement of international disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

Arbitration  
procedure.

Award.



## ARTICLE 3

Ratification.

The present Convention shall be ratified as soon as possible.

Deposit at  
The Hague.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

Certified copies  
to Powers.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be sent immediately by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

## ARTICLE 4

Non-signatory  
Powers  
may adhere.  
Notification  
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication  
to other  
Powers.

The said Government shall forward immediately to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

## ARTICLE 5

Effect of  
ratification.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.



## ARTICLE 6

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received. Denunciation.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government. Notifying  
Power  
only affected.

## ARTICLE 7

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 3, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 4, paragraph 2) or of denunciation (Article 6, paragraph 1) were received. Register of  
ratifications.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention. Signing.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to the contracting Powers through the diplomatic channel. Deposit of  
original.

[Here follow signatures.]

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RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary .....	November 27, 1909
Denmark .....	November 27, 1909
France .....	October 7, 1910
Germany .....	November 27, 1909
Great Britain .....	November 27, 1909
Guatemala .....	March 15, 1911
Haiti .....	February 2, 1910
Japan .....	December 13, 1911

Mexico .....	November 27, 1909
Netherlands .....	November 27, 1909
Norway .....	September 19, 1910
Panama .....	September 11, 1911
Portugal .....	April 13, 1911
Russia .....	November 27, 1909
Salvador .....	November 27, 1909
Spain .....	March 18, 1913
United States .....	November 27, 1909

*Adhesions:*

China .....	January 15, 1910
Liberia .....	February 4, 1914
Nicaragua .....	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Cuba	Servia
Dominican Republic	Turkey
Ecuador	Uruguay
Greece	

*Reservations:<sup>1</sup>*

Argentine Republic

The Argentine Republic makes the following reservations:

1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse shall not be had to arbitration except in the specific case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.

2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

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<sup>1</sup>All these reservations, except those of Nicaragua and the United States, were made at signature.

## Bolivia

Under the reservation stated to the First Commission.

*Extract from the procès-verbal:*

It seems to me, therefore, that the acceptance of the proposition before us will but mean the legitimation by the *Peace Conference* of a certain class of *wars*, or at least interventions based on disputes which relate neither to the honor nor vital interests of the creditor States.

In consequence of these forceful reasons, the delegation of Bolivia regrets not to give its entire assent to the proposition under discussion.<sup>1</sup>

## Colombia

Colombia makes the following reservations:

It does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. It accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.

## Dominican Republic

With the reservation made at the plenary session of October 16, 1907.

*Extract from the procès-verbal:*

The delegation of the Dominican Republic confirms its favorable vote on the proposal of the delegation of the United States relative to the limitation of the employment of force for the recovery of contract debts; but it renews its reservation as to the condition contained in this part of the clause: "or after accepting the offer, prevents any *compromis* from being agreed on," as its interpretation might lead to excessive consequences which would be the more regrettable as they are provided for and avoided in the plan of Article 53 of the new Convention for the pacific settlement of international disputes.<sup>2</sup>

## Ecuador

With the reservations made at the plenary session of October 16, 1907.

*Extract from the procès-verbal:*

The delegation of Ecuador will vote affirmatively while maintaining the reservations made in the First Commission.<sup>3</sup>

<sup>1</sup>Statement of Mr. Claudio Pinilla. *Actes et documents*, vol. ii, p. 142.

<sup>2</sup>Statement of Mr. Apolinar Tejera. *Actes et documents*, vol. i, p. 337.

<sup>3</sup>Statement of Mr. Dorn y de Alsúa. *Actes et documents*, vol. i, p. 338.



## Greece

With the reservation made at the plenary session of October 16, 1907.

*Extract from the procès-verbal:*

In the eighth meeting of the First Commission the Greek delegation, being without definite instructions, was obliged to reserve its vote on the subject of the proposition of the United States of America on the treatment of contract debts. We are to-day in a position to declare that the Royal Government accepts the said proposition, which has for its aim the doing away, by peaceful means, of differences between nations and the exclusion, conformably to the principles of international law, of the employment of armed force outside of armed conflicts. We consider, at the same time, that the provisions contained in paragraphs 2 and 3 of the text voted can not affect existing stipulations nor laws in force in the realm.<sup>1</sup>

## Guatemala

1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign government, recourse shall be had to arbitration only in case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.<sup>2</sup>

2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.<sup>2</sup>

## Nicaragua

The act of adhesion contains the following reservations:

(a) With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse shall be had to arbitration only in the specific case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

(b) Public loans secured by bond issues and constituting the national debt shall in no case give rise to military aggression or the material occupation of the soil of American nations.

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<sup>1</sup>Statement of Mr. Rangabé. *Actes et documents*, vol. i, p. 336.

<sup>2</sup>Reservation maintained at ratification.

## Peru

Under the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.

## Salvador

We make the same reservations as the Argentine Republic above.<sup>1</sup>

## United States

The act of ratification contains the following reservation:

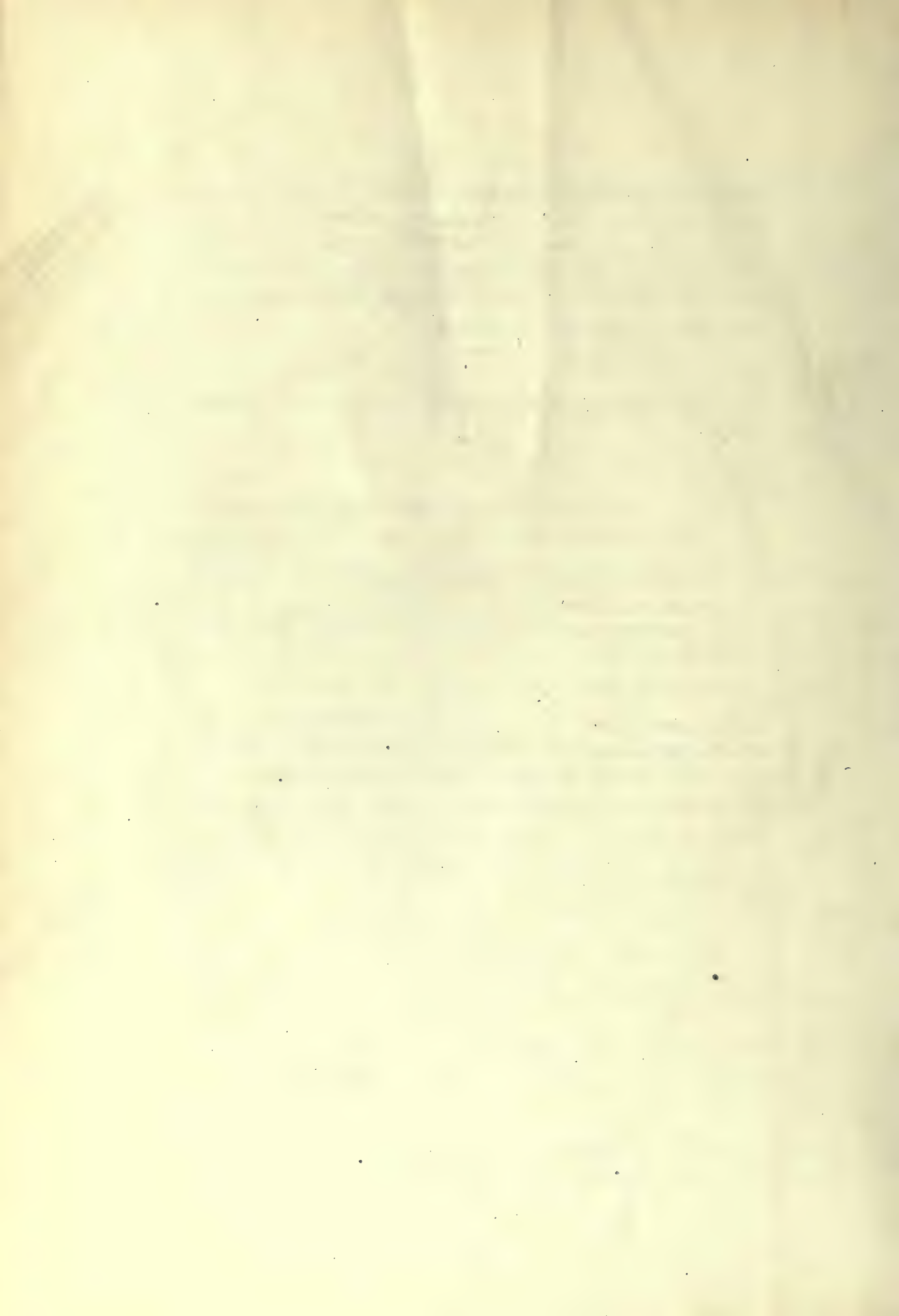
That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of the differences referred to in said Convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.

## Uruguay

Under reservation of the first paragraph of Article 1, because the delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

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<sup>1</sup>*Ante*, p. 4. Reservation maintained at ratification.





# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 12

## THE HAGUE CONVENTION (III) OF 1907 RELATIVE TO THE OPENING OF HOSTILITIES

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PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915



## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.



Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition, La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
Director of the Division of International Law.

WASHINGTON, D. C.,  
December 23, 1914.

## CONVENTION (III) RELATIVE TO THE OPENING OF HOSTILITIES

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Considering that it is important, in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning;

Purpose of  
Convention.

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers;

Being desirous of concluding a Convention to this effect, have appointed the following as their plenipotentiaries:

Plenipotentiaries

[Here follow the names of plenipotentiaries.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

### ARTICLE 1

The contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.

Notice of  
commencing  
hostilities.

### ARTICLE 2

The existence of a state of war must be notified to the neutral Powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral Powers, nevertheless, cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

Notice to  
neutral Powers.

### ARTICLE 3

Article 1 of the present Convention shall take effect in case of war between two or more of the contracting Powers.

Effect on  
contracting  
Powers.



Article 2 is binding as between a belligerent Power which is a party to the Convention and neutral Powers which are also parties to the Convention.

#### ARTICLE 4

Ratification.

The present Convention shall be ratified as soon as possible.

Deposit at  
The Hague.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

Certified copies  
to Powers.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

#### ARTICLE 5

Non-signatory  
Powers  
may adhere.

Non-signatory Powers may adhere to the present Convention.

Notification  
of intent.

The Power which wishes to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication  
to other Powers.

The said Government shall at once forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

#### ARTICLE 6

Effect of  
ratification.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.



## ARTICLE 7

In the event of one of the high contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received. Denunciation.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government. Notifying Power only affected.

## ARTICLE 8

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 4, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 5, paragraph 2) or of denunciation (Article 7, paragraph 1) have been received. Register of ratifications.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention. Signing.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference. Deposit of original.

[Here follow signatures.]

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RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	November 27, 1909
Belgium . . . . .	August 8, 1910
Bolivia . . . . .	November 27, 1909
Brazil . . . . .	January 5, 1914
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France . . . . .	October 7, 1910
Germany . . . . .	November 27, 1909

Great Britain.....	November 27, 1909
Guatemala .....	March 15, 1911
Haiti .....	February 2, 1910
Japan .....	December 13, 1911
Luxemburg .....	September 5, 1912
Mexico .....	November 27, 1909
Netherlands .....	November 27, 1909
Norway .....	September 19, 1910
Panama .....	September 11, 1911
Portugal .....	April 13, 1911
Roumania .....	March 1, 1912
Russia .....	November 27, 1909
Salvador .....	November 27, 1909
Siam .....	March 12, 1910
Spain .....	March 18, 1913
Sweden .....	November 27, 1909
Switzerland .....	May 12, 1910
United States.....	November 27, 1909

*Adhesions:*

China .....	January 15, 1910
Liberia .....	February 4, 1914
Nicaragua .....	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Cuba	Servia
Dominican Republic	Turkey
Ecuador	Uruguay
Greece	Venezuela
Italy	

*Reservations:* none

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 13

## THE HAGUE CONVENTION (V) OF 1907 RE- SPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND

*11.3.14 1-8  
12.7.14*

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PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





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JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.



CONVENTION (V) RESPECTING THE RIGHTS AND DUTIES OF  
NEUTRAL POWERS AND PERSONS IN CASE OF WAR  
ON LAND

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

With a view to laying down more clearly the rights and duties of neutral Powers in case of war on land and regulating the position of the belligerents who have taken refuge in neutral territory;

Purpose of  
Convention.

Being likewise desirous of defining the meaning of the term "neutral," pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents;

Have resolved to conclude a Convention to this effect, and have, in consequence, appointed the following as their plenipotentiaries:

Plenipotentiaries.

[Here follow the names of the plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I.—*The Rights and Duties of Neutral Powers*

Rights and  
duties of  
neutral Powers.

ARTICLE 1

The territory of neutral Powers is inviolable.

Territory  
inviolable.

ARTICLE 2

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

Use by  
belligerents  
forbidden.

ARTICLE 3

Belligerents are likewise forbidden to—

(a) Erect on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;

Establishing  
wireless tele-  
graph stations  
forbidden.

(b) Use any installation of this kind established by them before the

Use of military  
installation.

war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.

#### ARTICLE 4

Recruiting, etc.,  
forbidden.

Corps of combatants can not be formed nor recruiting agencies opened on the territory of a neutral Power to assist the belligerents.

#### ARTICLE 5

Prevention  
by neutrals.

A neutral Power must not allow any of the acts referred to in Articles 2 to 4 to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

#### ARTICLE 6

Crossing  
frontier  
to enlist.

The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents.

#### ARTICLE 7

Shipment  
of arms.

A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

#### ARTICLE 8

Use of tele-  
graph, etc.,  
apparatus.

A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to companies or private individuals.

#### ARTICLE 9

Impartial  
treatment of  
belligerents.

Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral Power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

## ARTICLE 10

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act.

Resisting  
violations  
of neutrality.

CHAPTER II.—*Belligerents Interned and Wounded Tended in Neutral Territory*

Belligerents  
in neutral  
territory.

ARTICLE 11<sup>1</sup>

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

Detention  
far from  
seat of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

Detention  
camps, etc.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

Parole  
to officers.

ARTICLE 12<sup>1</sup>

In the absence of a special convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

Supplies  
to the interned.

At the conclusion of peace the expenses caused by the internment shall be made good.

## ARTICLE 13

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

Escaped  
prisoners  
of war.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

ARTICLE 14<sup>1</sup>

A neutral Power may authorize the passage through its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel or war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

Care of sick  
and wounded.

<sup>1</sup>Articles 11, 12, 14 and 15 are identical in the original French with Articles 57, 58, 59 and 60 respectively of the 1899 Convention (II) respecting the laws and customs of war on land, except for the substitution of "Power" for "State."



The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

#### ARTICLE 15<sup>1</sup>

Application  
of Geneva  
Convention.

The Geneva Convention applies to sick and wounded interned in neutral territory.

Neutral persons.

#### CHAPTER III.—*Neutral Persons*

#### ARTICLE 16

Definition.

The nationals of a State which is not taking part in the war are considered as neutrals.

#### ARTICLE 17

Acts prohibited.

A neutral can not avail himself of his neutrality—

- (a) If he commits hostile acts against a belligerent;
- (b) If he commits acts in favor of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

#### ARTICLE 18

Acts not  
prohibited.

The following acts shall not be considered as committed in favor of one belligerent in the sense of Article 17, letter (b):

- (a) Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

- (b) Services rendered in matters of police or civil administration.

<sup>1</sup>Articles 11, 12, 14 and 15 are identical in the original French with Articles 57, 58, 59 and 60 respectively of the 1899 Convention (II) respecting the laws and customs of war on land, except for the substitution of "Power" for "State."

CHAPTER IV.—*Railway Material*Railway  
material.

## ARTICLE 19

Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

Use by  
belligerents of  
neutral property.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Use of  
belligerent  
property  
by neutrals.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

Compensation.

CHAPTER V.—*Final Provisions*

## ARTICLE 20

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

Powers bound.

## ARTICLE 21

The present Convention shall be ratified as soon as possible.

Ratification

The ratifications shall be deposited at The Hague.

Deposit at  
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, or the notifications mentioned in the preceding paragraph, and of the instruments of ratification shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Certified copies  
to Powers.



## ARTICLE 22

Adherence of  
non-signatory  
Powers.  
Notification  
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication  
to other Powers.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

## ARTICLE 23

Effect of  
ratification.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

## ARTICLE 24

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

Notifying  
Power only  
affected.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

## ARTICLE 25

Register of  
ratifications.

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 21, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 22, paragraph 2) or of denunciation (Article 24, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.



Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Deposit  
of original.

[Here follow signatures.]

#### RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	November 27, 1909
Belgium . . . . .	August 8, 1910
Bolivia . . . . .	November 27, 1909
Brazil . . . . .	January 5, 1914
Cuba . . . . .	February 22, 1912
Denmark . . . . .	November 27, 1909
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Haiti . . . . .	February 2, 1910
Japan . . . . .	December 13, 1911
Luxemburg . . . . .	September 5, 1912
Mexico . . . . .	November 27, 1909
Netherlands . . . . .	November 27, 1909
Norway . . . . .	September 19, 1910
Panama . . . . .	September 11, 1911
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*Adhesions:*

China ..... January 15, 1910  
 Liberia ..... February 4, 1914  
 Nicaragua ..... December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Servia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela
Italy	

*Reservations:*<sup>1</sup>

Argentine Republic

The Argentine Republic makes reservation of Article 19.

Great Britain

Under reservation of Articles 16, 17 and 18.

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<sup>1</sup>These reservations were made at signature.

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# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 14

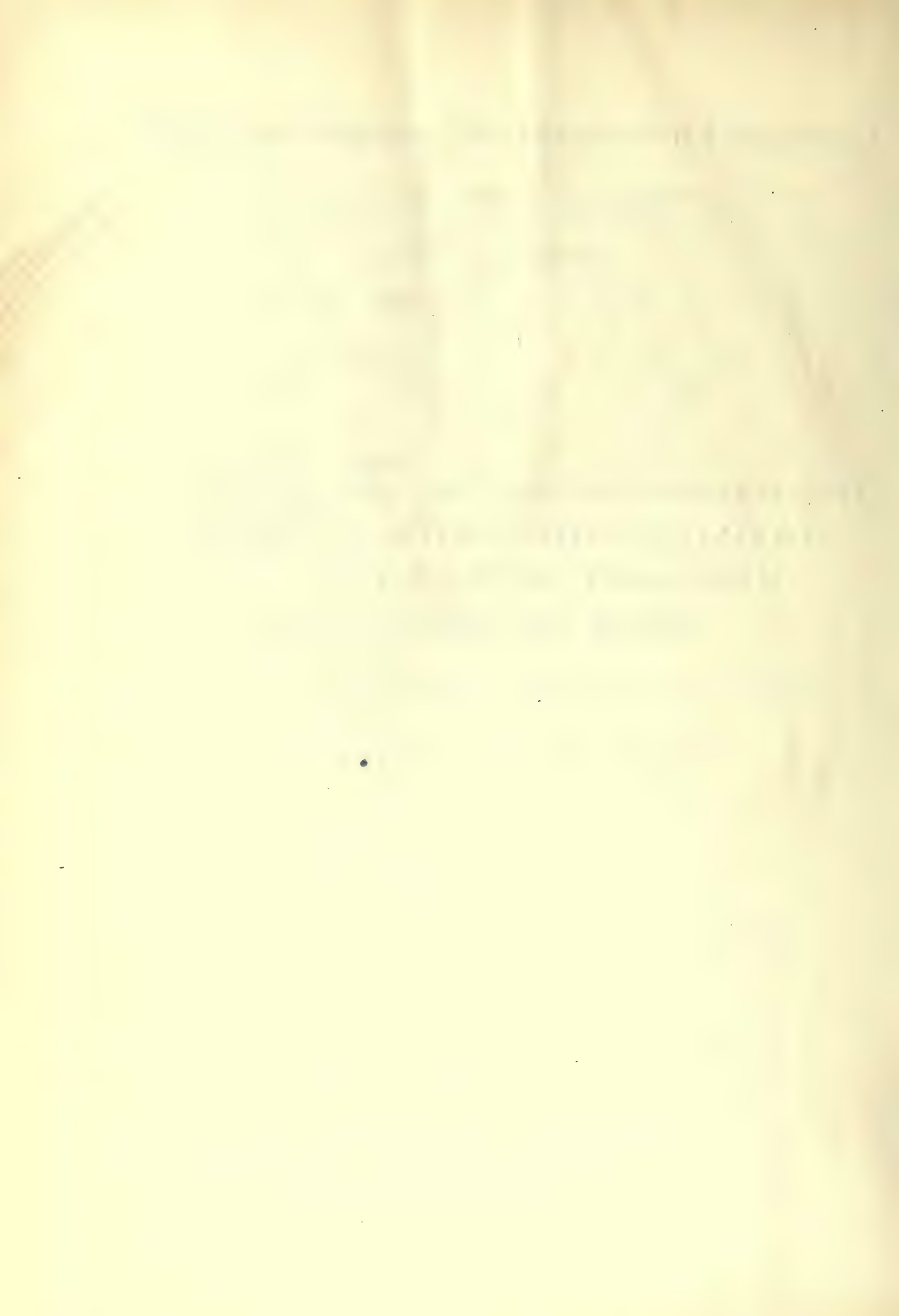
## THE HAGUE CONVENTION (VI) OF 1907 RE- LATING TO THE STATUS OF ENEMY MERCHANT SHIPS AT THE OUT- BREAK OF HOSTILITIES

*pp. 3-12, 1-5  
no plates*

PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

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Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law,*

WASHINGTON, D. C.,  
December 23, 1914.



## CONVENTION (VI) RELATING TO THE STATUS OF ENEMY MERCHANT SHIPS AT THE OUTBREAK OF HOSTILITIES

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Anxious to ensure the security of international commerce against the surprises of war, and wishing, in accordance with modern practice, to protect as far as possible operations undertaken in good faith and in process of being carried out before the outbreak of hostilities, have resolved to conclude a Convention to this effect, and have appointed the following persons as their plenipotentiaries :

Purpose of  
Convention.

Plenipotentiaries.

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions :

### ARTICLE 1

When a merchant ship belonging to one of the belligerent Powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

Belligerent  
merchant ships  
in enemy  
ports at  
commencement  
of hostilities  
may depart  
freely.

The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

### ARTICLE 2

A merchant ship unable, owing to circumstances of *force majeure*, to leave the enemy port within the period contemplated in the above article, or which was not allowed to leave, can not be confiscated.

May not be  
confiscated.

The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war, or requisition it on payment of compensation.

May be  
detained or  
requisitioned.

## ARTICLE 3

Enemy  
merchant ships  
on high seas.

Liable to  
detention,  
requisition  
or demolition.

Subject to  
laws and  
customs of  
maritime war.

Enemy merchant ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities can not be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such cases provision must be made for the safety of the persons on board as well as the security of the ship's papers.

After touching at a port in their own country or at a neutral port, these ships are subject to the laws and customs of maritime war.

## ARTICLE 4

Enemy cargo.

Enemy cargo on board the vessels referred to in Articles 1 and 2 is likewise liable to be detained and restored after the termination of the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship.

The same rule applies in the case of cargo on board the vessels referred to in Article 3.

## ARTICLE 5

Merchant ships  
intended for  
conversion  
into war-ships.

The present Convention does not affect merchant ships whose build shows that they are intended for conversion into war-ships.

## ARTICLE 6

Powers bound.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 7

Ratifications.

Deposit at  
The Hague.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.



A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Certified copies  
to Powers.

#### ARTICLE 8

Non-signatory Powers may adhere to the present Convention.

Non-signatory  
Powers  
may adhere.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Notification to  
other Powers.

#### ARTICLE 9

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Effect of  
ratification.

#### ARTICLE 10

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a certified copy of the notification to all the other Powers, informing them of the date on which it was received.

Denunciation.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.



## ARTICLE 11

Register of  
ratifications.

A register kept by the Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 7, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 8, paragraph 2) or of denunciation (Article 10, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended to the present Convention their signatures.

Deposit of  
original.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]

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RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	November 27, 1909
Belgium . . . . .	August 8, 1910
Brazil . . . . .	January 5, 1914
Cuba . . . . .	February 22, 1912
Denmark . . . . .	November 27, 1909
France . . . . .	October 7, 1910
Germany . . . . .	November 27, 1909
Great Britain . . . . .	November 27, 1909
Guatemala . . . . .	March 15, 1911
Haiti . . . . .	February 2, 1910
Japan . . . . .	December 13, 1911
Luxemburg . . . . .	September 5, 1912
Mexico . . . . .	November 27, 1909
Netherlands . . . . .	November 27, 1909
Norway . . . . .	September 19, 1910
Panama . . . . .	September 11, 1911
Portugal . . . . .	April 13, 1911

Roumania . . . . .	March 1, 1912
Russia . . . . .	November 27, 1909
Salvador . . . . .	November 27, 1909
Siam . . . . .	March 12, 1910
Spain . . . . .	March 18, 1913
Sweden . . . . .	November 27, 1909
Switzerland . . . . .	May 12, 1910

*Adhesions:*

Liberia . . . . .	February 4, 1914
Nicaragua . . . . .	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bolivia	Paraguay
Bulgaria	Persia
Chile	Peru
Colombia	Servia
Dominican Republic	Turkey
Ecuador	Uruguay
Greece	Venezuela
Italy	

*Reservations:*<sup>1</sup>

Germany

Under reservation of Article 3 and of Article 4, paragraph 2.<sup>2</sup>

Russia

Under the reservations made as to Article 3 and Article 4, paragraph 2, of the present Convention, and recorded in the minutes of the seventh plenary session of September 27, 1907.<sup>2</sup>

<sup>1</sup>These reservations were made at signature and maintained at ratification.

<sup>2</sup>The German and Russian delegations considered that these provisions established an inequality between States in imposing financial burdens on those Powers which, lacking naval stations in different parts of the world, are not in a position to take vessels which they have seized into a port, but find themselves compelled to destroy them. *Actes et documents*, vol. i, p. 236; vol. iii, p. 918.





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# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 15

## THE HAGUE CONVENTION (VII) OF 1907 RELATING TO THE CONVERSION OF MERCHANT SHIPS INTO WAR-SHIPS

11 I-13, 1-5  
111 plates

PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915



## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.



Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
Director of the Division of International Law.

WASHINGTON, D. C.,  
December 23, 1914.

## CONVENTION (VII) RELATING TO THE CONVERSION OF MERCHANT SHIPS INTO WAR-SHIPS

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Whereas it is desirable, in view of the incorporation in time of war of merchant ships in the fighting fleet, to define the conditions subject to which this operation may be effected;

Purpose of Convention.

Whereas, however, the contracting Powers have been unable to come to an agreement on the question whether the conversion of a merchant ship into a war-ship may take place upon the high seas, it is understood that the question of the place where such conversion is effected remains outside the scope of this agreement and is in no way affected by the following rules;

Being desirous of concluding a Convention to this effect, have appointed the following as their plenipotentiaries:

Plenipotentiaries.

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

### ARTICLE 1

A merchant ship converted into a war-ship can not have the rights and duties accruing to such vessels unless it is placed under the direct authority, immediate control, and responsibility of the Power whose flag it flies.

Converted merchant ships to be under State control.

### ARTICLE 2

Merchant ships converted into war-ships must bear the external marks which distinguish the war-ships of their nationality.

Must bear distinguishing marks.

### ARTICLE 3

The commander must be in the service of the State and duly commissioned by the competent authorities. His name must figure on the list of the officers of the fighting fleet.

Commander must be duly commissioned.



## ARTICLE 4

Crew subject  
to military  
discipline.

The crew must be subject to military discipline.

## ARTICLE 5

Must observe  
law and cus-  
toms of war.

Every merchant ship converted into a war-ship must observe in its operations the laws and customs of war.

## ARTICLE 6

Conversion  
must be  
announced.

A belligerent who converts a merchant ship into a war-ship must, as soon as possible, announce such conversion in the list of war-ships.

## ARTICLE 7

Powers bound.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 8

Ratification.

The present Convention shall be ratified as soon as possible.

Deposit at  
The Hague.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers who take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

Certified copies  
to Powers.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

## ARTICLE 9

Non-signatory  
Powers  
may adhere.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing



to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Notification to  
other Powers.

#### ARTICLE 10

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Effect of  
Convention.

#### ARTICLE 11

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

Denunciation.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

#### ARTICLE 12

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 9, paragraph 2) or of denunciation (Article 11, paragraph 1) have been received.

Register of  
ratifications.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Signing.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Deposit of  
original.

[Here follow signatures.]

## RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	November 27, 1909
Belgium . . . . .	August 8, 1910
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Japan . . . . .	December 13, 1911
Luxemburg . . . . .	September 5, 1912
Mexico . . . . .	November 27, 1909
Netherlands . . . . .	November 27, 1909
Norway . . . . .	September 19, 1910
Panama . . . . .	September 11, 1911
Portugal . . . . .	April 13, 1911
Roumania . . . . .	March 1, 1912
Russia . . . . .	November 27, 1909
Salvador . . . . .	November 27, 1909
Siam . . . . .	March 12, 1910
Spain . . . . .	March 18, 1913
Sweden . . . . .	November 27, 1909
Switzerland . . . . .	May 12, 1910

*Adhesions:*

Liberia . . . . .	February 4, 1914
Nicaragua . . . . .	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Cuba	Servia
Ecuador	Turkey
Greece	Venezuela

*Reservation:*<sup>1</sup>

Turkey

Under reservation of the declaration made at the eighth plenary session of the Conference of October 9, 1907.

*Extract from the procès-verbal:*

The Imperial Ottoman Government does not engage to recognize as vessels of war, ships which, being in its waters or on the high seas under a merchant flag, are converted on the opening of hostilities.<sup>2</sup>

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<sup>1</sup>This reservation was made at signature.

<sup>2</sup>*Actes et documents*, vol. i, p. 277.





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# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 16

## THE HAGUE CONVENTION (VIII) OF 1907 RELATIVE TO THE LAYING OF AUTOMATIC SUBMARINE CONTACT MINES

*Handwritten:*  
Hague Convention  
1907

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PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai-29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin-18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.



## CONVENTION (VIII) RELATIVE TO THE LAYING OF AUTOMATIC SUBMARINE CONTACT MINES

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Inspired by the principle of the freedom of sea routes, the common highways of all nations; Purpose of  
Convention.

Seeing that, although the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless desirable to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it is found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a Convention for this purpose, and have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

### ARTICLE 1

It is forbidden—

Prohibitions.

1. To lay unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them; Unanchored  
automatic  
contact mines.
2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings; Anchored  
contact mines.
3. To use torpedoes which do not become harmless when they have missed their mark. Torpedoes.

### ARTICLE 2

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping. Mines to inter-  
cept commercial  
shipping.



## ARTICLE 3

Protection of  
peaceful shipping.

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

Notice of  
danger zones.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to ship owners, which must also be communicated to the Governments through the diplomatic channel.

## ARTICLE 4

Mines laid by  
neutral Powers.

Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral Power must inform ship owners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the Governments through the diplomatic channel.

## ARTICLE 5

Removal at  
close of war.

At the close of the war, the contracting Powers undertake to do their utmost to remove the mines which they have laid, each Power removing its own mines.

Notification  
of position.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the Power which laid them, and each Power must proceed with the least possible delay to remove the mines in its own waters.

## ARTICLE 6

Adoption of  
perfected mines.

The contracting Powers which do not at present own perfected mines of the pattern contemplated in the present Convention, and which, consequently, could not at present carry out the rules laid down in Articles 1 and 3, undertake to convert the *matériel* of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

## ARTICLE 7

Powers bound.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

## ARTICLE 8

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at  
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent, by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it has received the notification.

Certified copies  
to Powers.

## ARTICLE 9

Non-signatory Powers may adhere to the present Convention.

Adherence of  
non-signatory  
Powers.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, transmitting to it the act of adhesion, which shall be deposited in the archives of the said Government.

Notification  
of intent.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Communication  
to other Powers.

## ARTICLE 10

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Effect of  
ratification.



## ARTICLE 11

**Duration.** The present Convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.

**Denunciation.** Unless denounced, it shall continue in force after the expiration of this period.

The denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the Powers, informing them of the date on which it was received.

**Notifying Power only affected.** The denunciation shall only have effect in regard to the notifying Power, and six months after the notification has reached the Netherland Government.

## ARTICLE 12

**Reopening question.** The contracting Powers undertake to reopen the question of the employment of automatic contact mines six months before the expiration of the period contemplated in the first paragraph of the preceding article, in the event of the question not having been already reopened and settled by the Third Peace Conference.

**New Convention.** If the contracting Powers conclude a fresh Convention relative to the employment of mines, the present Convention shall cease to be applicable from the moment it comes into force.

## ARTICLE 13

**Register of ratifications.** A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 9, paragraph 2) or of denunciation (Article 11, paragraph 3) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

**Signing.** In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

**Deposit of original.** Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]



## RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	November 27, 1909
Belgium . . . . .	August 8, 1910
Brazil . . . . .	January 5, 1914
Denmark . . . . .	November 27, 1909
France . . . . .	October 7, 1910
Germany . . . . .	November 27, 1909
Great Britain . . . . .	November 27, 1909
Guatemala . . . . .	March 15, 1911
Haiti . . . . .	February 2, 1910
Japan . . . . .	December 13, 1911
Luxemburg . . . . .	September 5, 1912
Mexico . . . . .	November 27, 1909
Netherlands . . . . .	November 27, 1909
Norway . . . . .	September 19, 1910
Panama . . . . .	September 11, 1911
Roumania . . . . .	March 1, 1912
Salvador . . . . .	November 27, 1909
Siam . . . . .	March 12, 1910
Switzerland . . . . .	May 12, 1910
United States . . . . .	November 27, 1909

*Adhesions:*

Liberia . . . . .	February 4, 1914
Nicaragua . . . . .	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Paraguay
Bulgaria	Persia
Chile	Peru
Colombia	Servia
Cuba	Turkey
Dominican Republic	Uruguay
Ecuador	Venezuela
Greece	

*Reservations.*<sup>1</sup>

Dominican Republic

With reservation as to the first paragraph of Article 1.

France

Under reservation of Article 2.<sup>2</sup>

Germany

Under reservation of Article 2.<sup>2</sup>

Great Britain

Under reservation of the following declaration:

In affixing their signatures to the above Convention the British plenipotentiaries declare that the mere fact that this Convention does not prohibit a particular act or proceeding must not be held to debar His Britannic Majesty's Government from contesting its legitimacy.<sup>2</sup>

Siam

Under reservation of Article 1, paragraph 1.<sup>2</sup>

Turkey

Under reservation of the declarations recorded in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

*Extract from the procès-verbal:*

The Imperial Ottoman delegation can not at the present time undertake any engagement whatever for perfected systems which are not yet universally known. \* \* \* The Imperial Ottoman delegation believes that it should declare that, given the exceptional situation created by treaties in force at the straits of the Dardanelles and the Bosphorus, straits which are an integral part of the territory, the Imperial Government could not in any way subscribe to any undertaking tending to limit the means of defence that it may deem necessary to employ for these straits in case of war or with the aim of causing its neutrality to be respected. \* \* \* The Imperial Ottoman delegation can not at the present time take part in any engagement as regards the conversion mentioned in Article 6.<sup>3</sup>

<sup>1</sup>All these reservations were made at signature.

<sup>2</sup>Reservation maintained at ratification.

<sup>3</sup>Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 280.

I

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 17

## THE HAGUE CONVENTION (IX) OF 1907 CONCERNING BOMBARDMENT BY NAVAL FORCES IN TIME OF WAR

*pp. 1-16  
no plates*

PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915





## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
Director of the Division of International Law.

WASHINGTON, D. C.,  
December 23, 1914.



CONVENTION (IX) CONCERNING BOMBARDMENT BY NAVAL FORCES  
IN TIME OF WAR

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia ; [etc.] :

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages ;

Purpose of  
Convention.

Whereas it is expedient that bombardments by naval forces should be subject to rules of general application which would safeguard the rights of the inhabitants and assure the preservation of the more important buildings, by applying as far as possible to this operation of war the principles of the Regulation of 1899 respecting the laws and customs of land war ;

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war ;

Have resolved to conclude a Convention to this effect, and have, for this purpose, appointed the following as their plenipotentiaries :

[Here follow the names of the plenipotentiaries.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions :

CHAPTER I.—*The Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings*

ARTICLE 1

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

Bombardment  
of undefended  
ports, etc.,  
forbidden.

A place cannot be bombarded solely because automatic submarine contact mines are anchored off the harbor.

ARTICLE 2

Military works, military or naval establishments, depots of arms or war *matériel*, workshops or plant which could be utilized for the

Military  
works, etc.,  
excepted.

needs of the hostile fleet or army, and the ships of war in the harbor, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

Unavoidable  
damage.

He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

Precautionary  
measures.

If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to bombard the undefended town holds good, as in the case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

### ARTICLE 3

Bombardment  
on declining  
to furnish pro-  
visions, etc.,  
to fleet.

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.

### ARTICLE 4

Money  
contributions.

Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.

## CHAPTER II.—*General Provisions*

### ARTICLE 5

Buildings, etc.  
to be spared.

In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.



It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large, stiff rectangular panels divided diagonally into two colored triangular portions, the upper portion black, the lower portion white. Indications required.

#### ARTICLE 6

If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities. Warning to authorities.

#### ARTICLE 7

A town or place, even when taken by storm, may not be pillaged. Pillage forbidden.

### CHAPTER III.—*Final Provisions*

#### ARTICLE 8

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention. Powers bound.

#### ARTICLE 9

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister of Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

Ratification.

Deposit at  
The Hague.

Certified copies  
to the Powers.



## ARTICLE 10

Adhesion of  
non-signatory  
Powers.  
Notification  
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere shall notify its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication  
to other  
Powers.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

## ARTICLE 11

Effect of  
ratification.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit; and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

## ARTICLE 12

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

Notifying  
Power  
only affected.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

## ARTICLE 13

Register of  
ratifications.

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 9, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 10, paragraph 2) or of denunciation (Article 12, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit  
of original.

Done at The Hague, the 18th October, 1907, in a single copy, which

shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]

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#### RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary .....	November 27, 1909
Belgium .....	August 8, 1910
Bolivia .....	November 27, 1909
Brazil .....	January 5, 1914
Cuba .....	February 22, 1912
Denmark .....	November 27, 1909
France .....	October 7, 1910
Germany .....	November 27, 1909
Great Britain .....	November 27, 1909
Guatemala .....	March 15, 1911
Haiti .....	February 2, 1910
Japan .....	December 13, 1911
Luxemburg .....	September 5, 1912
Mexico .....	November 27, 1909
Netherlands .....	November 27, 1909
Norway .....	September 19, 1910
Panama .....	September 11, 1911
Portugal .....	April 13, 1911
Roumania .....	March 1, 1912
Russia .....	November 27, 1909
Salvador .....	November 27, 1909
Siam .....	March 12, 1910
Sweden .....	November 27, 1909
Switzerland .....	May 12, 1910
United States .....	November 27, 1909

*Adhesions:*

China .....	January 15, 1910
Liberia .....	February 4, 1914
Nicaragua .....	December 16, 1909
Spain .....	February 24, 1913

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Servia
Ecuador	Turkey
Greece	Uruguay
Italy	Venezuela

*Reservations:*<sup>1</sup>

## Chile

Under the reservation of Article 3 made at the fourth plenary session of August 17.

*Extract from procès-verbal:*

The delegation of Chile makes reservation as to Article 3.<sup>2</sup>

## France

Under reservation of the second paragraph of Article 1.<sup>3</sup>

## Germany

Under reservation of Article 1, paragraph 2.<sup>3</sup>

## Great Britain

Under reservation of the second paragraph of Article 1.<sup>3</sup>

## Japan

With reservation of paragraph 2 of Article 1.<sup>3</sup>

<sup>1</sup>All these reservations were made at signature.

<sup>2</sup>Statement of Mr. Domingo Gana. *Actes et documents*, vol. i, p. 90.

<sup>3</sup>Reservation maintained at ratification.



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Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 18

THE HAGUE CONVENTION (XI) OF 1907 RELATIVE TO CERTAIN RESTRICTIONS WITH REGARD TO THE EXERCISE OF THE RIGHT OF CAPTURE IN NAVAL WAR

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1915  
PUBLISHED BY THE ENDOWMENT  
WASHINGTON, D. C.

1915



## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

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The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of **reservations**, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.



Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
*December 23, 1914.*

CONVENTION (XI) RELATIVE TO CERTAIN RESTRICTIONS WITH  
REGARD TO THE EXERCISE OF THE RIGHT OF CAPTURE  
IN NAVAL WAR

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Contracting Powers.

Recognizing the necessity of more effectively ensuring than hitherto the equitable application of law to the international relations of maritime Powers in time of war;

Purpose of  
Convention.

Considering that, for this purpose, it is expedient, in giving up or, if necessary, in harmonizing for the common interest certain conflicting practices of long standing, to commence codifying in regulations of general application the guarantees due to peaceful commerce and legitimate business, as well as the conduct of hostilities by sea; that it is expedient to lay down in written mutual engagements the principles which have hitherto remained in the uncertain domain of controversy or have been left to the discretion of Governments;

That, from henceforth, a certain number of rules may be made, without affecting the common law now in force with regard to the matters which that law has left unsettled;

Have appointed the following as their plenipotentiaries:

Plenipotentiaries.

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I.—*Postal Correspondence*

Postal  
correspondence.

ARTICLE 1

The postal correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay.

Inviolable on  
high seas.

Forwarding from  
captured ships.



Blockaded ports.

The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port.

## ARTICLE 2

Neutral mail ships.

The inviolability of postal correspondence does not exempt a neutral mail ship from the laws and customs of maritime war as to neutral merchant ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible.

Vessels exempt from capture.

## CHAPTER II.—*The Exemption from Capture of Certain Vessels*

### ARTICLE 3

Fishing vessels and boats in local trade.

Vessels used exclusively for fishing along the coast or small boats employed in local trade are exempt from capture, as well as their appliances, rigging, tackle, and cargo.

They cease to be exempt as soon as they take any part whatever in hostilities.

Military use forbidden.

The contracting Powers agree not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance.

### ARTICLE 4

Religious, scientific, etc., vessels.

Vessels charged with religious, scientific, or philanthropic missions are likewise exempt from capture.

Captured merchant ships.

## CHAPTER III.—*Regulations Regarding the Crews of Enemy Merchant Ships Captured by a Belligerent*

### ARTICLE 5

Disposition of crew and officers, if neutral.

When an enemy merchant ship is captured by a belligerent, such of its crew as are nationals of a neutral State are not made prisoners of war.

The same rule applies in the case of the captain and officers likewise nationals of a neutral State, if they promise formally in writing not to serve on an enemy ship while the war lasts.



## ARTICLE 6

The captain, officers, and members of the crew, when nationals of the enemy State, are not made prisoners of war, on condition that they make a formal promise in writing, not to undertake, while hostilities last, any service connected with the operations of the war.

Conditional  
release of  
officers and  
crew, if enemies.

## ARTICLE 7

The names of the persons retaining their liberty under the conditions laid down in Article 5, paragraph 2, and in Article 6, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

Notification  
by captors.

## ARTICLE 8

The provisions of the three preceding articles do not apply to ships taking part in the hostilities.

Ships not  
included.

CHAPTER IV.—*Final Provisions*

## ARTICLE 9

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

Powers bound.

## ARTICLE 10

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at  
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the

Certified copies  
to contracting  
Powers.

Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

#### ARTICLE 11

Adherence of  
non-signatory  
Powers.

Notification  
of intent.

Communication  
to other Powers.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification. •

#### ARTICLE 12

Effect of  
ratification.

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification has been received by the Netherland Government.

#### ARTICLE 13

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

Notifying Power  
only affected.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

#### ARTICLE 14

Register of  
ratifications.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 10, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 11, paragraph 2) or of denunciation (Article 13, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention. Signing.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference. Deposit  
of original.

[Here follow signatures.]

#### RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	November 27, 1909
Belgium . . . . .	August 8, 1910
Brazil . . . . .	January 5, 1914
Denmark . . . . .	November 27, 1909
France . . . . .	October 7, 1910
Germany . . . . .	November 27, 1909
Great Britain . . . . .	November 27, 1909
Guatemala . . . . .	March 15, 1911
Haiti . . . . .	February 2, 1910
Japan . . . . .	December 13, 1911
Luxemburg . . . . .	September 5, 1912
Mexico . . . . .	November 27, 1909
Netherlands . . . . .	November 27, 1909
Norway . . . . .	September 19, 1910
Panama . . . . .	September 11, 1911
Portugal . . . . .	April 13, 1911
Roumania . . . . .	March 1, 1912
Salvador . . . . .	November 27, 1909
Siam . . . . .	March 12, 1910
Spain . . . . .	March 18, 1913
Sweden . . . . .	November 27, 1909
Switzerland . . . . .	May 12, 1910
United States . . . . .	November 27, 1909



*Adhesions:*

Liberia ..... February 4, 1914  
 Nicaragua ..... December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Paraguay
Bulgaria	Persia
Chile	Peru
Colombia	Servia
Cuba	Turkey
Dominican Republic	Uruguay
Ecuador	Venezuela
Greece	

*Reservations:* none.

I

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 19

## THE HAGUE CONVENTION (XII) OF 1907 RELATIVE TO THE CREATION OF AN INTERNATIONAL PRIZE COURT

913-10, 1-21  
as plate

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## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai-29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin-18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
December 23, 1914.



## CONVENTION (XII) RELATIVE TO THE CREATION OF AN INTERNATIONAL PRIZE COURT

Signed at The Hague, October 18, 1907

His Majesty, the German Emperor, King of Prussia; [etc.] :

Animated by the desire to settle in an equitable manner the differences which sometimes arise in the course of a naval war in connection with the decisions of national prize courts;

Purpose of  
Convention.

Considering that, if these courts are to continue to exercise their functions in the manner determined by national legislation, it is desirable that in certain cases an appeal should be provided under conditions conciliating, as far as possible, the public and private interests involved in matters of prize;

Whereas, moreover, the institution of an International Court, whose jurisdiction and procedure would be carefully defined, has seemed to be the best method of attaining this object;

Convinced, finally, that in this manner the hardships consequent on naval war would be mitigated; that, in particular, good relations will be more easily maintained between belligerents and neutrals and peace better assured;

Desirous of concluding a Convention to this effect, have appointed the following as their plenipotentiaries:

Plenipo-  
tentiaries.

[Here follow the names of plenipotentiaries.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

### PART I.—GENERAL PROVISIONS

General  
provisions.

#### ARTICLE 1

The validity of the capture of a merchant ship or its cargo is decided before a prize court in accordance with the present Convention when neutral or enemy property is involved.

Determination  
of validity  
of capture.



## ARTICLE 2

Jurisdiction in first instance.

Jurisdiction in matters of prize is exercised in the first instance by the prize courts of the belligerent captor.

The judgments of these courts are pronounced in public or are officially notified to parties concerned who are neutrals or enemies.

## ARTICLE 3

When judgments of national courts may be brought before International Court.

The judgments of national prize courts may be brought before the International Prize Court—

1. When the judgment of the national prize courts affects the property of a neutral Power or individual;

2. When the judgment affects enemy property and relates to—

(a) Cargo on board a neutral ship;

(b) An enemy ship captured in the territorial waters of a neutral Power, when that Power has not made the capture the subject of a diplomatic claim;

(c) A claim based upon the allegation that the seizure has been effected in violation, either of the provisions of a Convention in force between the belligerent Powers, or of an enactment issued by the belligerent captor.

Basis of appeal.

The appeal against the judgment of the national court can be based on the ground that the judgment was wrong either in fact or in law.

## ARTICLE 4

When appeal may be brought:  
1. By a neutral Power.

An appeal may be brought—

1. By a neutral Power, if the judgment of the national tribunals injuriously affects its property or the property of its nationals (Article 3, No. 1), or if the capture of an enemy vessel is alleged to have taken place in the territorial waters of that Power (Article 3, No. 2b).

2. By a neutral individual.

2. By a neutral individual, if the judgment of the national court injuriously affects his property (Article 3, No. 1), subject, however, to the reservation that the Power to which he belongs may forbid him to bring the case before the Court, or may itself undertake the proceedings in his place;

3. By citizen of enemy Power.

3. By an individual subject or citizen of an enemy Power, if the judgment of the national court injuriously affects his property in the cases referred to in Article 3, No. 2, except that mentioned in paragraph b.

## ARTICLE 5

An appeal may also be brought on the same conditions as in the preceding article, by persons belonging either to neutral States or to the enemy, deriving their rights from and entitled to represent an individual qualified to appeal, and who have taken part in the proceedings before the national court. Persons so entitled may appeal separately to the extent of their interest.

Successors  
in interest.

The same rule applies in the case of persons belonging either to neutral States or to the enemy who derive their rights from and are entitled to represent a neutral Power whose property was the subject of the decision.

## ARTICLE 6

When, in accordance with the above Article 3, the International Court has jurisdiction, the national courts can not deal with a case in more than two instances. The municipal law of the belligerent captor shall decide whether the case may be brought before the International Court after judgment has been given in first instance or only after an appeal.

Limitation  
upon jurisdic-  
tion of na-  
tional courts.

If the national courts fail to give final judgment within two years from the date of capture, the case may be carried direct to the International Court.

Failure of  
national courts  
to give final  
judgment.

## ARTICLE 7

If a question of law to be decided is covered by a treaty in force between the belligerent captor and a Power which is itself or whose subject or citizen is a party to the proceedings, the Court is governed by the provisions of the said treaty.

Law applicable.  
Treaties.

In the absence of such provisions, the Court shall apply the rules of international law. If no generally recognized rule exists, the Court shall give judgment in accordance with the general principles of justice and equity.

Rules of  
international  
law.

Principles  
of justice  
and equity.

The above provisions apply equally to questions relating to the order and mode of proof.

If, in accordance with Article 3, No. 2c, the ground of appeal is the violation of an enactment issued by the belligerent captor, the Court will enforce the enactment.

Enactments  
of belligerent  
captor.

The Court may disregard failure to comply with the procedure laid down in the enactments of the belligerent captor, when it is of opinion



that the consequences of complying therewith are unjust and inequitable.

#### ARTICLE 8<sup>1</sup>

Disposition of  
vessel and  
cargo when  
capture is valid;

If the Court pronounces the capture of the vessel or cargo to be valid, they shall be disposed of in accordance with the laws of the belligerent captor.

when capture  
is null

If it pronounces the capture to be null, the Court shall order restitution of the vessel or cargo, and shall fix, if there is occasion, the amount of the damages. If the vessel or cargo have been sold or destroyed, the Court shall determine the compensation to be given to the owner on this account.

If the national court pronounced the capture to be null, the Court can only be asked to decide as to the damages.

#### ARTICLE 9

Powers to  
submit to  
decisions.

The contracting Powers undertake to submit in good faith to the decisions of the International Prize Court and to carry them out with the least possible delay.

Constitution  
of court.

### PART II.—CONSTITUTION OF THE INTERNATIONAL PRIZE COURT

#### ARTICLE 10

Personnel and  
qualifications  
of members  
of Court.

The International Prize Court is composed of judges and deputy judges, who will be appointed by the contracting Powers, and must all be jurists of known proficiency in questions of international maritime law, and of the highest moral reputation.

The appointment of these judges and deputy judges shall be made within six months after the ratification of the present Convention.

#### ARTICLE 11

Term of  
service  
of judges.

The judges and deputy judges are appointed for a period of six years, reckoned from the date on which the notification of their appointment is received by the Administrative Council established by the Convention for the pacific settlement of international disputes of the 29th July, 1899. Their appointments can be renewed.

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<sup>1</sup>See Article 2 of the Additional Protocol, *post*, p. 19.



Should one of the judges or deputy judges die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case, the appointment is made for a fresh period of six years. Vacancies.

#### ARTICLE 12

The judges of the International Prize Court are all equal in rank and have precedence according to the date on which the notification of their appointment was received (Article 11, paragraph 1), and if they sit by rota (Article 15, paragraph 2), according to the date on which they entered upon their duties. When the date is the same the senior in age takes precedence. Rank of judges.

The deputy judges when acting are assimilated to the judges. They rank, however, after them.

#### ARTICLE 13

The judges enjoy diplomatic privileges and immunities in the performance of their duties and when outside their own country. Privileges and immunities.

Before taking their seat, the judges must swear, or make a solemn promise before the Administrative Council, to discharge their duties impartially and conscientiously. Oath.

#### ARTICLE 14

The Court is composed of fifteen judges; nine judges constitute a quorum. Number of judges.

A judge who is absent or prevented from sitting is replaced by the deputy judge.

#### ARTICLE 15<sup>1</sup>

The judges appointed by the following contracting Powers: Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan, and Russia, are always summoned to sit. Judges who are always summoned to sit.

The judges and deputy judges appointed by the other contracting Powers sit by rota as shown in the table annexed<sup>2</sup> to the present Convention; their duties may be performed successively by the same person. The same judge may be appointed by several of the said Powers. Judges who sit by rota.

<sup>1</sup>Reservation of this article was made by Chile, Cuba, Ecuador, Guatemala, Haiti, Persia, Salvador, Siam, Turkey and Uruguay.

<sup>2</sup>*Post*, p. 16.

## ARTICLE 16

Selection of  
judge by  
belligerent  
Power.

If a belligerent Power has, according to the rota, no judge sitting in the Court, it may ask that the judge appointed by it should take part in the settlement of all cases arising from the war. Lots shall then be drawn as to which of the judges entitled to sit according to the rota shall withdraw. This arrangement does not affect the judge appointed by the other belligerent.

## ARTICLE 17

Disqualification  
of a judge.

No judge can sit who has been a party, in any way whatever, to the sentence pronounced by the national courts, or has taken part in the case as counsel or advocate for one of the parties.

No judge or deputy judge can, during his tenure of office, appear as agent or advocate before the International Prize Court nor act for one of the parties in any capacity whatever.

## ARTICLE 18

Belligerent  
captor or  
interested  
neutral may  
appoint  
assessor.

The belligerent captor is entitled to appoint a naval officer of high rank to sit as assessor, but with no voice in the decision. A neutral Power, which is a party to the proceedings or whose subject or citizen is a party, has the same right of appointment; if as the result of this last provision more than one Power is concerned, they must agree among themselves, if necessary by lot, on the officer to be appointed.

## ARTICLE 19

Election  
of officers.

The Court elects its president and vice-president by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority, and, in case the votes are equal, by lot.

## ARTICLE 20

Compensation  
of judges.

The judges on the International Prize Court are entitled to traveling allowances in accordance with the regulations in force in their own country, and in addition receive, while the Court is sitting or while they are carrying out duties conferred upon them by the Court, a sum of 100 Netherland florins *per diem*.



These payments are included in the general expenses of the Court dealt with in Article 47, and are paid through the International Bureau established by the Convention of the 29th July, 1899.

The judges may not receive from their own Government or from that of any other Power any remuneration in their capacity of members of the Court.

#### ARTICLE 21

The seat of the International Prize Court is at The Hague and it can not, except in the cases of *force majeure*, be transferred elsewhere without the consent of the belligerents.

Seat of  
the Court.

#### ARTICLE 22

The Administrative Council fulfils, with regard to the International Prize Court, the same functions as to the Permanent Court of Arbitration, but only representatives of contracting Powers will be members of it.

Administrative  
functions of  
Administrative  
Council.

#### ARTICLE 23

The International Bureau acts as registry to the International Prize Court and must place its offices and staff at the disposal of the Court. It has charge of the archives and carries out the administrative work.

International  
Bureau acts  
as registry.

The secretary general of the International Bureau acts as registrar.

The necessary secretaries to assist the registrar, translators and shorthand writers are appointed and sworn in by the Court.

#### ARTICLE 24

The Court determines which language it will itself use and what languages may be used before it.

Language  
used in  
proceedings.

In every case the official language of the national courts which have had cognizance of the case may be used before the Court.

#### ARTICLE 25

Powers which are concerned in a case may appoint special agents to act as intermediaries between themselves and the Court. They may also engage counsel or advocates to defend their rights and interests.

Powers may  
appoint agents  
and counsel.



## ARTICLE 26

Attorneys for  
private  
individuals.

A private person concerned in a case will be represented before the Court by an attorney, who must be either an advocate qualified to plead before a court of appeal or a high court of one of the contracting States, or a lawyer practising before a similar court, or lastly, a professor of law at one of the higher teaching centers of those countries.

## ARTICLE 27

How notices  
are to be  
served.

For all notices to be served, in particular on the parties, witnesses, or experts, the Court may apply direct to the Government of the State on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They can not be rejected unless the Power in question considers them calculated to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The Court is equally entitled to act through the Power on whose territory it sits.

Notices to be given to parties in the place where the Court sits may be served through the International Bureau.

Procedure  
in the court.

## PART III.—PROCEDURE IN THE INTERNATIONAL PRIZE COURT

ARTICLE 28<sup>1</sup>

Method and  
time of en-  
tering appeal.

An appeal to the International Prize Court is entered by means of a written declaration made in the national court which has already dealt with the case or addressed to the International Bureau; in the latter case the appeal can be entered by telegram.

The period within which the appeal must be entered is fixed at 120 days, counting from the day the decision is delivered or notified (Article 2, paragraph 2).

ARTICLE 29<sup>2</sup>

Transmission  
of record to  
International  
Bureau.

If the notice of appeal is entered in the national court, this Court, without considering the question whether the appeal was entered in

<sup>1</sup>See Article 5 of the Additional Protocol, *post*, p. 19.

<sup>2</sup>See Article 6 of the Additional Protocol, *post*, p. 20.

due time, will transmit within seven days the record of the case to the International Bureau.

If the notice of the appeal is sent to the International Bureau, the Bureau will immediately inform the national court, when possible by telegraph. The latter will transmit the record as provided in the preceding paragraph.

When the appeal is brought by a neutral individual the International Bureau at once informs by telegraph the individual's Government, in order to enable it to enforce the rights it enjoys under Article 4, paragraph 2.

#### ARTICLE 30

In the case provided for in Article 6, paragraph 2, the notice of appeal can be addressed to the International Bureau only. It must be entered within thirty days of the expiration of the period of two years.

Appeal when national courts fail to give final judgment.

#### ARTICLE 31

If the appellant does not enter his appeal within the period laid down in Articles 28 or 30, it shall be rejected without discussion.

Late appeal may be rejected.

Provided that he can show that he was prevented from so doing by *force majeure*, and that the appeal was entered within sixty days after the circumstances which prevented him entering it before had ceased to operate, the Court can, after hearing the respondent, grant relief from the effect of the above provision.

#### ARTICLE 32

If the appeal is entered in time, a certified copy of the notice of appeal is forthwith officially transmitted by the Court to the respondent.

Copy of appeal is sent to respondent.

#### ARTICLE 33

If, in addition to the parties who are before the Court, there are other parties concerned who are entitled to appeal, or if, in the case referred to in Article 29, paragraph 3, the Government who has received notice of an appeal has not announced its decision, the Court will await before dealing with the case the expiration of the period laid down in Articles 28 or 30.

Appeal of other parties.



## ARTICLE 34

Pleadings  
and argument.

The procedure before the International Court includes two distinct parts: the written pleadings and oral discussions.

The written pleadings consist of the deposit and exchange of cases, counter-cases, and, if necessary, of replies, of which the order is fixed by the Court, as also the periods within which they must be delivered. The parties annex thereto all papers and documents of which they intend to make use.

A certified copy of every document produced by one party must be communicated to the other party through the medium of the Court.

## ARTICLE 35

Public sitting.

After the close of the pleadings, a public sitting is held on a day fixed by the Court.

At this sitting the parties state their view of the case both as to the law and as to the facts.

The Court may, at any stage of the proceedings, suspend speeches of counsel, either at the request of one of the parties, or on their own initiative, in order that supplementary evidence may be obtained.

## ARTICLE 36

Supplementary  
evidence.

The International Court may order the supplementary evidence to be taken either in the manner provided by Article 27, or before itself, or one or more of the members of the Court, provided that this can be done without resort to compulsion or the use of threats.

If steps are to be taken for the purpose of obtaining evidence by members of the Court outside the territory where it is sitting, the consent of the foreign Government must be obtained.

## ARTICLE 37

Parties sum-  
moned for  
every stage  
of proceedings.

The parties are summoned to take part in all stages of the proceedings and receive certified copies of the minutes.

## ARTICLE 38

Discussions  
controlled  
by president.

The discussions are under the control of the president or vice-president, or, in case they are absent or can not act, of the senior judge present.

The judge appointed by a belligerent party can not preside.



## ARTICLE 39

The discussions take place in public, subject to the right of a Government who is a party to the case to demand that they be held in private.

Discussions public.

Minutes are taken of these discussions and signed by the president and registrar, and these minutes alone have an authentic character.

Minutes.

## ARTICLE 40

If a party does not appear, despite the fact that he has been duly cited, or if a party fails to comply with some step within the period fixed by the Court, the case proceeds without that party, and the Court gives judgment in accordance with the material at its disposal.

Result of failure of party to appear.

## ARTICLE 41

The Court officially notifies to the parties decrees or decisions made in their absence.

Notification of decrees or decisions.

## ARTICLE 42

The Court takes into consideration in arriving at its decision all the facts, evidence, and oral statements.

Matters considered in arriving at decision.

## ARTICLE 43

The Court considers its decision in private and the proceedings are secret.

Manner of making decisions.

All questions are decided by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge in the order of precedence laid down in Article 12, paragraph 1, is not counted.

## ARTICLE 44

The judgment of the Court must give the reasons on which it is based. It contains the names of the judges taking part in it, and also of the assessors, if any; it is signed by the president and registrar.

Reasons for judgment.

ARTICLE 45<sup>1</sup>

The sentence is pronounced in public sitting, the parties concerned being present or duly summoned to attend; the sentence is officially communicated to the parties.

Method of pronouncing sentence.

<sup>1</sup>See Article 7 of the Additional Protocol, *post*, p. 20.

When this communication has been made, the Court transmits to the national prize court the record of the case, together with copies of the various decisions arrived at and of the minutes of the proceedings.

#### ARTICLE 46

Each party pays its own costs.

The party against whom the Court decides bears, in addition, the costs of the trial, and also pays 1 per cent of the value of the subject-matter of the case as a contribution to the general expenses of the International Court. The amount of these payments is fixed in the judgment of the Court.

If the appeal is brought by an individual, he will furnish the International Bureau with security to an amount fixed by the Court, for the purpose of guaranteeing eventual fulfilment of the two obligations mentioned in the preceding paragraph. The Court is entitled to postpone the opening of the proceedings until the security has been furnished.

#### ARTICLE 47

The general expenses of the International Prize Court are borne by the contracting Powers in proportion to their share in the composition of the Court as laid down in Article 15 and in the annexed table.<sup>1</sup> The appointment of deputy judges does not involve any contribution.

The Administrative Council applies to the Powers for the funds requisite for the working of the Court.

#### ARTICLE 48

When the Court is not sitting, the duties conferred upon it by Article 32, Article 34, paragraphs 2 and 3, Article 35, paragraph 1, and Article 46, paragraph 3, are discharged by a delegation of three judges appointed by the Court. This delegation decides by a majority of votes.

#### ARTICLE 49

The Court itself draws up its own rules of procedure, which must be communicated to the contracting Powers.

It will meet to elaborate these rules within a year of the ratification of the present Convention.

<sup>1</sup>*Post*, p. 16.

Payment  
of costs.

General  
expenses  
of Court.

Performance  
of duties  
when Court  
is not sitting.

Rules of  
procedure.



## ARTICLE 50

The Court may propose modifications in the provisions of the present Convention concerning procedure. These proposals are communicated, through the medium of the Netherland Government, to the contracting Powers, which will consider together as to the measures to be taken.

Modifications  
in present  
Convention.

## PART IV.—FINAL PROVISIONS

Final  
provisions.

## ARTICLE 51

The present Convention does not apply as of right except when the belligerent Powers are all parties to the Convention.

Applicability  
of Convention.

It is further fully understood that an appeal to the International Prize Court can only be brought by a contracting Power or the subject or citizen of a contracting Power.

In the cases mentioned in Article 5, the appeal is only admitted when both the owner and the person entitled to represent him are equally contracting Powers or the subjects or citizens of contracting Powers.

## ARTICLE 52

The present Convention shall be ratified and the ratifications shall be deposited at The Hague as soon as all the Powers mentioned in Article 15 and in the table annexed are in a position to do so.

Ratifications.

The deposit of the ratifications shall take place, in any case, on the 30th June, 1909, if the Powers which are ready to ratify furnish nine judges and nine deputy judges to the Court, qualified to validly constitute a Court. If not, the deposit shall be postponed until this condition is fulfilled.

A minute of the deposit of ratifications shall be drawn up, of which a certified copy shall be forwarded, through the diplomatic channel, to each of the Powers referred to in the first paragraph.<sup>1</sup>

## ARTICLE 53

The Powers referred to in Article 15 and in the table annexed are entitled to sign the present Convention up to the deposit of the ratifications contemplated in paragraph 2 of the preceding article.

Signatures  
and adhesions.

After this deposit, they can at any time adhere to it, purely and

<sup>1</sup>See Article 8 of the Additional Protocol, *post*, p. 20.



simply.<sup>1</sup> A Power wishing to adhere, notifies its intention in writing to the Netherland Government transmitting to it, at the same time, the act of adhesion, which shall be deposited in the archives of the said Government. The latter shall send, through the diplomatic channel, a certified copy of the notification and of the act of adhesion to all the Powers referred to in the preceding paragraph, informing them of the date on which it has received the notification.

#### ARTICLE 54

Effect of  
Convention.

The present Convention shall come into force six months from the deposit of the ratifications contemplated in Article 52, paragraphs 1 and 2.

The adhesions shall take effect sixty days after notification of such adhesion has been received by the Netherland Government, or as soon as possible on the expiration of the period contemplated in the preceding paragraph.

The International Court shall, however, have jurisdiction to deal with prize cases decided by the national courts at any time after the deposit of the ratifications or of the receipt of the notification of the adhesions. In such cases, the period fixed in Article 28, paragraph 2, shall only be reckoned from the date when the Convention comes into force as regards a Power which has ratified or adhered.

#### ARTICLE 55

Duration.

The present Convention shall remain in force for twelve years from the time it comes into force, as determined by Article 54, paragraph 1, even in the case of Powers which adhere subsequently.

Renewal.

It shall be renewed tacitly from six years to six years unless denounced.

Denunciation.

Denunciation must be notified in writing, at least one year before the expiration of each of the periods mentioned in the two preceding paragraphs, to the Netherland Government, which will inform all the other contracting Powers.

Denunciation shall only take effect in regard to the Power which has notified it. The Convention shall remain in force in the case of the other contracting Powers, provided that their participation in the appointment of judges is sufficient to allow of the composition of the Court with nine judges and nine deputy judges.

<sup>1</sup>See Article 9 of the Additional Protocol, *post*, p. 20.

## ARTICLE 56

Selection of  
judges by  
Administra-  
tive Council.

In case the present Convention is not in operation as regards all the Powers referred to in Article 15 and the annexed table, the Administrative Council shall draw up a list on the lines of that article and table of the judges and deputy judges through whom the contracting Powers will share in the composition of the Court. The times allotted by the said table to judges who are summoned to sit in rota will be redistributed between the different years of the six-year period in such a way that, as far as possible, the number of the judges of the Court in each year shall be the same. If the number of deputy judges is greater than that of the judges, the number of the latter can be completed by deputy judges chosen by lot among those powers which do not nominate a judge.

The list drawn up in this way by the Administrative Council shall be notified to the contracting Powers. It shall be revised when the number of these Powers is modified as the result of adhesions or denunciations.

The change resulting from an adhesion is not made until the 1st January after the date on which the adhesion takes effect, unless the adhering Power is a belligerent Power, in which case it can ask to be at once represented in the Court, the provision of Article 16 being, moreover, applicable if necessary.

When the total number of judges is less than eleven, seven judges form a quorum.

## ARTICLE 57

Modification  
of Article 15.

Two years before the expiration of each period referred to in paragraphs 1 and 2 of Article 55 any contracting Power can demand a modification of the provisions of Article 15 and of the annexed table, relative to its participation in the composition of the Court. The demand shall be addressed to the Administrative Council, which will examine it and submit to all the Powers proposals as to the measures to be adopted. The Powers shall inform the Administrative Council of their decision with the least possible delay. The result shall be at once, and at least one year and thirty days before the expiration of the said period of two years, communicated to the Power which made the demand.

When necessary, the modifications adopted by the Powers shall come into force from the commencement of the fresh period.



Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit of original.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel to the Powers designed in Article 15 and in the table annexed.

Certified copies to Powers.

[Here follow signatures.]

## ANNEX TO ARTICLE 15

*Distribution of Judges and Deputy Judges by Countries for Each Year of the Period of Six Years*

JUDGES		DEPUTY JUDGES	
First Year		Second Year	
1 Argentine	Paraguay	Argentine	Panama
2 Colombia	Bolivia	Spain	Spain
3 Spain	Spain	Greece	Roumania
4 Greece	Roumania	Norway	Sweden
5 Norway	Sweden	Netherlands	Belgium
6 Netherlands	Belgium	Turkey	Luxemburg
7 Turkey	Persia	Uruguay	Costa Rica
Third Year		Fourth Year	
1 Brazil	Dominican Rep.	Brazil	Guatemala
2 China	Turkey	China	Turkey
3 Spain	Portugal	Spain	Portugal
4 Netherlands	Switzerland	Peru	Honduras
5 Roumania	Greece	Roumania	Greece
6 Sweden	Denmark	Sweden	Denmark
7 Venezuela	Haiti	Switzerland	Netherlands
Fifth Year		Sixth Year	
1 Belgium	Netherlands	Belgium	Netherlands
2 Bulgaria	Montenegro	Chile	Salvador
3 Chile	Nicaragua	Denmark	Norway
4 Denmark	Norway	Mexico	Ecuador
5 Mexico	Cuba	Portugal	Spain
6 Persia	China	Servia	Bulgaria
7 Portugal	Spain	Siam	China



ADDITIONAL PROTOCOL TO THE CONVENTION RELATIVE TO THE  
ESTABLISHMENT OF AN INTERNATIONAL COURT OF PRIZE

Signed at The Hague, September 19, 1910

Germany, the United States of America, the Argentine Republic, Austria-Hungary, Chile, Denmark, Spain, France, Great Britain, Japan, Norway, the Netherlands, Sweden,

Contracting  
Powers.

Powers signatory to the Hague Convention dated October 18, 1907, for the establishment of an International Court of Prize,

Considering that for some of these Powers difficulties of a constitutional nature prevent the acceptance of the said Convention, in its present form,

Have deemed it expedient to agree upon an additional protocol taking into account these difficulties without jeopardizing any legitimate interest and have, to that end, appointed as their plenipotentiaries, to wit:

Germany: His Excellency F. von Müller, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Plenipo-  
tentiaries.

The United States of America: James Brown Scott.

The Argentine Republic: His Excellency Alejandro Guesalaga, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Austria-Hungary: Baron E. Gudenus, Chargé d'Affaires *ad interim* at The Hague.

Belgium: His Excellency Baron Fallon, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Bolivia: His Excellency General Ismael Montes, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Bulgaria: His Excellency Dimitri Stancioff, Envoy Extraordinary and Minister Plenipotentiary in France and Belgium.

Chile: His Excellency F. Puga Borne, Envoy Extraordinary and Minister Plenipotentiary at Paris.

Colombia: His Excellency Ignacio Gutiérrez Ponce, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The Republic of Cuba: Miguel Angel Campa, Chargé d'Affaires *ad interim* at The Hague.

Denmark: J. W. Grevenkop Castenskjold, Minister Resident at The Hague.

Ecuador: His Excellency Victor Manuel Rendón, Envoy Extraordinary and Minister Plenipotentiary at Paris.

Spain: His Excellency José de la Rica y Calvo, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

France: His Excellency Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Great Britain: His Excellency Sir George W. Buchanan, G. C. V. O., K. C. M. G., C. B., Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Guatemala: Francisco de Arce, Chargé d'Affaires *ad interim* at The Hague.

Haiti: His Excellency Georges Sylvain, Envoy Extraordinary and Minister Plenipotentiary at Paris.

Italy: His Excellency Count Giuseppe Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Japan: His Excellency Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Mexico: His Excellency Enrique Olarte, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Norway: His Excellency G. F. Hagerup, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Panama: Juan Antonio Jiménez, Chargé d'Affaires at The Hague.

Paraguay: Count Georges du Monceau de Bergendal, Consul of Paraguay at Brussels.

The Netherlands: His Excellency Jonkheer R. de Marees van Swinderen, Minister of Foreign Affairs.

Peru: His Excellency Manuel Alvarez Calderón, Envoy Extraordinary and Minister Plenipotentiary in Belgium and Switzerland.

Persia: His Excellency Mirza Ahmed Khan Sadigh ul-Mulk, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Portugal: Carlos Rangel de Sampaio, Chargé d'Affaires *ad interim* at The Hague.

Salvador: John Helsmoortel, Consul General of Salvador in Belgium.

Siam: His Excellency Phya Visutr Kosa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Sweden: His Excellency Count J. J. A. Ehrensward, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Switzerland: Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary at The Hague.



Turkey: His Excellency Aristarchi Bey, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Uruguay: Virgilio Sampognaro, Chargé d'Affaires at The Hague.

Who, after depositing their full powers, found to be in good and due form, have agreed upon the following:

#### ARTICLE 1

The Powers signatory or adhering to the Hague Convention of October 18, 1907, relative to the establishment of an International Court of Prize, which are prevented by difficulties of a constitutional nature from accepting the said Convention in its present form, have the right to declare in the instrument of ratification or adherence that in prize cases, whereof their national courts have jurisdiction, recourse to the International Court of Prize can only be exercised against them in the form of an action in damages for the injury caused by the capture.

Rights of Powers signatory or adhering to Convention of October 18, 1907.

#### ARTICLE 2

In the case of recourse to the International Court of Prize, in the form of an action for damages, Article 8<sup>1</sup> of the Convention is not applicable; it is not for the Court to pass upon the validity or the nullity of the capture, nor to reserve or affirm the decision of the national tribunals.

In case of an action for damages.

If the capture is considered illegal, the Court determines the amount of damages to be allowed, if any, to the claimants.

Court determines amount to be allowed, if any.

#### ARTICLE 3

The conditions to which recourse to the International Court of Prize is subject by the Convention are applicable to the action in damages.

#### ARTICLE 4

Under reserve of the provisions hereinafter stated the rules of procedure established by the Convention for recourse to the International Court of Prize shall be observed in the action in damages.

Rules of procedure.

#### ARTICLE 5

In derogation of Article 28, paragraph 1, of the Convention, the suit for damages can only be brought before the International Court of

In derogation of Article 28 of Convention.

<sup>1</sup>*Ante*, p. 4.



Prize by means of a written declaration addressed to the International Bureau of the Permanent Court of Arbitration; the case may even be brought before the Bureau by telegram.

#### ARTICLE 6

In derogation  
of Article 29  
of Convention.

In derogation of Article 29 of the Convention the International Bureau shall notify directly, and if possible by telegram, the Government of the belligerent captor of the declaration of action brought before it.

The Government of the belligerent captor, without considering whether the prescribed periods of time have been observed, shall, within seven days of the receipt of the notification, transmit to the International Bureau the case, appending thereto a certified copy of the decision, if any, rendered by the national tribunal.

#### ARTICLE 7

In derogation  
of Article 45  
of Convention.

In derogation of Article 45, paragraph 2, of the Convention the Court rendering its decision and notifying it to the parties to the suit shall send directly to the Government of the belligerent captor the record of the case submitted to it, appending thereto a copy of the various intervening decisions as well as a copy of the minutes of the preliminary proceedings.

#### ARTICLE 8

Present proto-  
col to form  
integral part  
of treaty.

The present additional protocol shall be considered as forming an integral part of and shall be ratified at the same time as the Convention.

If the declaration provided for in Article 1 herein above is made in the instrument of the ratification, a certified copy thereof shall be inserted in the *procès-verbal* of the deposit of ratifications referred to in Article 52, paragraph 3, of the Convention.

#### ARTICLE 9

Adherence.

Adherence to the Convention is subordinated to adherence to the present additional protocol.

Signing.

In faith of which the plenipotentiaries have affixed their signatures to the present additional protocol.

Done at The Hague on the 19th day of September, 1910, in a single copy, which shall remain deposited in the archives of the Government of the Netherlands and of which duly certified copies shall be forwarded through diplomatic channels to the Powers designated in Article 15 of the Convention relative to the establishment of an International Court of Prize of October 18, 1907, and in its appendix.

Deposit of  
original.

Certified copies  
to Powers.

[Here follow signatures.]

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#### SIGNATURES AND RESERVATIONS<sup>1</sup>

Both the 1907 Convention and the 1910 Additional Protocol have been signed by the following Powers:

Argentine Republic	Mexico
Austria-Hungary	Netherlands
Belgium	Norway
Bolivia	Panama
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Cuba	Portugal
Denmark	Salvador
Ecuador	Siam
France	Spain
Germany	Sweden
Great Britain	Switzerland
Guatemala	Turkey
Haiti	United States
Italy	Uruguay
Japan	

#### *Reservations:*

Chile, Cuba, Ecuador, Guatemala, Haiti, Persia, Salvador, Siam, Turkey and Uruguay signed the Convention with reservation of Article 15.

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<sup>1</sup>The deposit of ratifications provided for in Article 52, paragraph 2 (*ante*, p. 13) has not yet taken place.





2

# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 20

## THE HAGUE CONVENTION (XIII) OF 1907 CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR

*11. I - II, 1 - 11  
on plate.*

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## Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.



Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,  
*Director of the Division of International Law.*

WASHINGTON, D. C.,  
*December 23, 1914.*

CONVENTION (XIII) CONCERNING THE RIGHTS AND DUTIES OF  
NEUTRAL POWERS IN NAVAL WAR

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

With a view to harmonizing the divergent views which, in the event of naval war, are still held on the relations between neutral Powers and belligerent Powers, and to anticipating the difficulties to which such divergence of views might give rise;

Purpose of  
Convention.

Seeing that, even if it is not possible at present to concert measures applicable to all circumstances which may in practice occur, it is nevertheless undeniably advantageous to frame, as far as possible, rules of general application to meet the case where war has unfortunately broken out;

Seeing that, in cases not covered by the present Convention, it is expedient to take into consideration the general principles of the law of nations;

Seeing that it is desirable that the Powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral Powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral Power, except in a case where experience has shown the necessity for such change for the protection of the rights of that Power;

Have agreed to observe the following common rules, which can not however modify provisions laid down in existing general treaties, and have appointed as their plenipotentiaries, namely:

Plenipo-  
tentiaries.

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:



## ARTICLE 1

Belligerents  
to respect  
rights of  
neutral Powers.

Belligerents are bound to respect the sovereign rights of neutral Powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any Power, constitute a violation of neutrality.

## ARTICLE 2

Hostile acts  
in neutral  
waters  
forbidden.

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral Power, constitutes a violation of neutrality and is strictly forbidden.

## ARTICLE 3

Release of  
ships captured:  
by neutral  
Power.

When a ship has been captured in the territorial waters of a neutral Power, this Power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prize crew.

by captor  
Government.

If the prize is not in the jurisdiction of the neutral Power, the captor Government, on the demand of that Power, must liberate the prize with its officers and crew.

## ARTICLE 4

Prize courts  
forbidden in  
neutral  
territory.

A prize court can not be set up by a belligerent on neutral territory or on a vessel in neutral waters.

## ARTICLE 5

Use of neutral  
ports by  
belligerents  
forbidden.

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

## ARTICLE 6

War supplies  
to belligerents  
forbidden.

The supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of war-ships, ammunition, or war material of any kind whatever, is forbidden.



## ARTICLE 7

A neutral Power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunitions, or, in general, of anything which could be of use to an army or fleet.

Right of  
export, etc.,  
allowed.

## ARTICLE 8

A neutral Government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a Power with which that Government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

Arming, etc.,  
for hostile  
use to be  
prevented  
by neutral.

## ARTICLE 9

A neutral Power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent war-ships or of their prizes.

Impartiality to  
belligerents.

Nevertheless, a neutral Power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

Prohibitions  
allowed.

## ARTICLE 10

The neutrality of a Power is not affected by the mere passage through its territorial waters of war-ships or prizes belonging to belligerents.

Passing  
through  
neutral  
waters  
allowed.

## ARTICLE 11

A neutral Power may allow belligerent war-ships to employ its licensed pilots.

Pilots.

## ARTICLE 12

In the absence of special provisions to the contrary in the legislation of a neutral Power, belligerent war-ships are not permitted to remain in the ports, roadsteads, or territorial waters of the said Power

Temporary  
stay in ports.

for more than twenty-four hours, except in the cases covered by the present Convention.

### ARTICLE 13

Departure of war-ships on outbreak of hostilities.

If a Power which has been informed of the outbreak of hostilities learns that a belligerent war-ship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

### ARTICLE 14

Detention by reason of damage, etc.

A belligerent war-ship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must depart as soon as the cause of the delay is at an end.

Vessels permitted to remain.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters, do not apply to war-ships devoted exclusively to religious, scientific, or philanthropic purposes.

### ARTICLE 15

Maximum of war-ships allowed in ports.

In the absence of special provisions to the contrary in the legislation of a neutral Power, the maximum number of war-ships belonging to a belligerent which may be in one of the ports or roadsteads of that Power simultaneously shall be three.

### ARTICLE 16

Departure of war-ships of both belligerents.

When war-ships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.

Order of departure.

The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

Allowance to merchant ships.

A belligerent war-ship may not leave a neutral port or roadstead until twenty-four hours after the departure of a merchant ship flying the flag of its adversary.



## ARTICLE 17

In neutral ports and roadsteads belligerent war-ships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force. The local authorities of the neutral Power shall decide what repairs are necessary, and these must be carried out with the least possible delay.

Repairs  
permitted  
war-ships.

## ARTICLE 18

Belligerent war-ships may not make use of neutral ports, roadsteads, on territorial waters for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

Use of neutral  
ports, etc., by  
war-ships  
forbidden.

## ARTICLE 19

Belligerent war-ships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Revictualing  
permitted.

Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill up their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

Fuel.

If, in accordance with the law of the neutral Power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

Time for  
coaling.

## ARTICLE 20

Belligerent war-ships which have shipped fuel in a port belonging to a neutral Power may not within the succeeding three months replenish their supply in a port of the same Power.

Restriction  
on recoaling.

## ARTICLE 21

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions.

When prizes  
may enter  
neutral ports.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral Power must order it to leave at once; should it fail to obey, the neutral Power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew.

Duration  
of stay.



## ARTICLE 22

Release  
of prizes.

A neutral Power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in Article 21.

## ARTICLE 23

Sequestration  
of prizes.

A neutral Power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestered pending the decision of a Prize Court. It may have the prize taken to another of its ports.

Prize crews.

If the prize is convoyed by a war-ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

## ARTICLE 24

Detention of  
war-ships  
refusing  
to leave.

If, notwithstanding the notification of the neutral Power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral Power is entitled to take such measures as it considers necessary to render the ship incapable of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

Officers  
and crew.

When a belligerent ship is detained by a neutral Power, the officers and crew are likewise detained.

Disposition.

The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking after the vessel must, however, be always left on board.

Officers  
paroled.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

## ARTICLE 25

Surveillance of  
neutral Powers.

A neutral Power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above articles occurring in its ports or roadsteads or in its waters.

## ARTICLE 26

The exercise by a neutral Power of the rights laid down in the present Convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the articles relating thereto.

Exercise of neutral rights not an unfriendly act.

## ARTICLE 27

The contracting Powers shall communicate to each other in due course all laws, proclamations, and other enactments regulating in their respective countries the status of belligerent war-ships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other contracting Powers.

Promulgation of laws, etc., in force.

## ARTICLE 28

The provisions of the present Convention do not apply except to the contracting Powers, and then only if all the belligerents are parties to the Convention.

Contracting Powers only affected.

## ARTICLE 29

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

Ratification.

Deposit at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the ratifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

Certified copies to Powers.



## ARTICLE 30

Adhesion of  
non-signatory  
Powers.  
Notification  
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication  
to other  
Powers.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

## ARTICLE 31

Effect of  
ratification.

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of the ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their decision has been received by the Netherland Government.

## ARTICLE 32

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

Notifying  
Power only  
affected.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has been made to the Netherland Government.

## ARTICLE 33

Register.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made by Article 29, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 30, paragraph 2) or of denunciation (Article 32, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit  
of original.

Done at The Hague, the 18th October, 1907, in a single copy, which



shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Certified copies  
to Powers.

[Here follow signatures.]

#### RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary . . . . .	November 27, 1909
Belgium . . . . .	August 8, 1910
Brazil . . . . .	January 5, 1914
Denmark . . . . .	November 27, 1909
France . . . . .	October 7, 1910
Germany . . . . .	November 27, 1909
Guatemala . . . . .	March 15, 1911
Haiti . . . . .	February 2, 1910
Japan . . . . .	December 13, 1911
Luxemburg . . . . .	September 5, 1912
Mexico . . . . .	November 27, 1909
Netherlands . . . . .	November 27, 1909
Norway . . . . .	September 19, 1910
Panama . . . . .	September 11, 1911
Portugal . . . . .	April 13, 1911
Roumania . . . . .	March 1, 1912
Russia . . . . .	November 27, 1909
Salvador . . . . .	November 27, 1909
Siam . . . . .	March 12, 1910
Sweden . . . . .	November 27, 1909
Switzerland . . . . .	May 12, 1910

#### *Adhesions:*

China . . . . .	January 15, 1910
Liberia . . . . .	February 4, 1914
Nicaragua . . . . .	December 16, 1909
United States . . . . .	December 3, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Servia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela

*Reservations:*<sup>1</sup>

China

Adhesion with reservation of paragraph 2 of Article 14, paragraph 3 of Article 19, and of Article 27.

Dominican Republic

With reservation regarding Article 12.

Germany

Under reservation of Articles 11, 12, 13 and 20.<sup>2</sup>

Great Britain

Under reservation of Articles 19 and 23.

Japan

With reservation of Articles 19 and 23.<sup>2</sup>

Persia

Under reservation of Articles 12, 19 and 21.

Siam

Under reservation of Articles 12, 19 and 23.<sup>2</sup>

Turkey

Under reservation of the declaration concerning Article 10 contained in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

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<sup>1</sup>All these reservations, except those of China and the United States, were made 'at signature.

<sup>2</sup>Reservation maintained at ratification.

*Extract from the procès-verbal:*

The Ottoman delegation declares that the straits of the Dardanelles and the Bosphorus can not in any case be referred to by Article 10. The Imperial Government could undertake no engagement whatever tending to limit its undoubted rights over these straits.<sup>1</sup>

United States

The act of adhesion contains the following reservation:

That the United States adheres to the said Convention, subject to the reservation and exclusion of its Article 23 and with the understanding that the last clause of Article 3 thereof implies the duty of a neutral Power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction.

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<sup>1</sup>Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 285.

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